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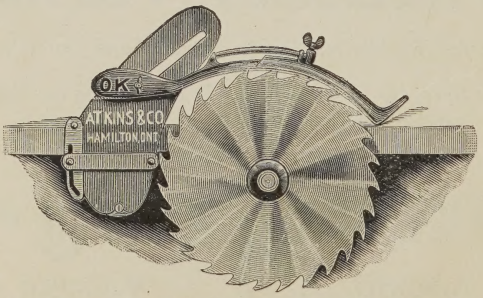
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Labor Laws
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Legislation of Recent Enactment that Affect the Employer and his Employees

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Measures of Prevention, Compensation, Arbitration
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Being a correct compilation of the most recent statutory enactments concerning Labor in the Province.

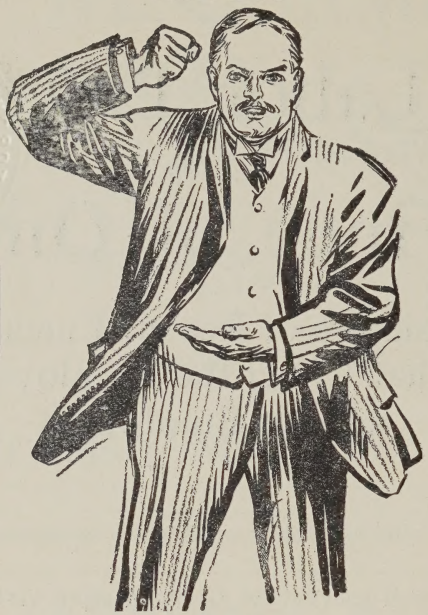
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Preamble

THE rapid development of Labor Legislation affecting so many classes and involving such great responsibilities, has created a desire on the part of Manufacturers, Lawyers, Students of Social Science and toilers in general, for a ready and accurate book of information.

The Publishers of the "COMPENDIUM" of Labor Legislation of the Province of Ontario, feel that they are not only offering an indispensable and unique Publication, but also helping in a great measure to conciliate and create a better understanding between Employers and their Workmen in thus placing before them in a concise and concrete form the Statutory Enactments governing Labor matters in the Province.

In order to make full use of the methods of Conciliation, the adjustment of Strikes or Labor Grievances, or the better protection of the employees by the adoption of the most modern methods, a knowledge of the various Laws and Regulations is needed.

Our readers will find all these matters fully worked out in the "COMPENDIUM" thus realizing the most economical and satisfactory manner in obtaining information which cannot be obtained only through the tedious process of searching in the volumes of the Provincial Statutes.

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An Act for the Protection of Persons Employed in Factories, Shops and Office Buildings

His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows—

PART I.

1. This Act may be cited as "The Factory, Shop and Office Building Act." R.S.O. 1897, c. 256, s. 1; c. 257, s. 1. Amended.

2. In this Act,

(a) "Bake-shop" shall mean any building, premises, workshop, structure, room or place wherein is carried on the manufacture or sale of confectionery, or of bread, biscuits, cakes, or any other food product made from flour, or from meal or from both, in whole or in part, and shall include any room or rooms used for storing the confectionery, bread, biscuits, cakes and other food products and materials. R.S.O. 1897, c. 257, s. 34 (1). Amended.

(b) "Child" shall mean a person under the age of fourteen years. R.S.O. 1897, c. 256, s. 2, part; c. 257, s. 4 (1) (e).

(c) "Court" shall mean the Justices of the Peace or Police Magistrate, as the case may be, to whom jurisdiction is given by this Act to hear and determine prosecutions under this Part. R.S.O. 1897, c. 256, s. 2, part.

(d) "Employer" as applied to a factory or shop shall mean any person who in his own behalf, or as the manager, superintendent, overseer, or agent, has charge of any factory, shop or bake-shop and employs persons therein, and in the case of an office building shall include the superintendent, manager or caretaker thereof. R.S.O. 1897, c. 256, s. 2, part; c. 257, s. 4, part. Amended.

(e) "Factory" shall mean:

(i) Any building, workshop, structure or premises of the description mentioned in Schedule A, together with such other buildings, structures or premises as the Lieutenant-Governor in Council may by proclamation declare to be factories within the meaning of this Part.

(ii) Any other building, workshop, structure, premises, room or place wherein, or within the precincts of which, steam, water, electrical power or energy, or other power is used to move or work any machinery employed in preparing, manufacturing or finishing, or in any process incidental to the preparing, manufacturing or finishing of any article, substance, material, fabric or compound, or is used to aid the manufacturing process carried on there;

(iii) Any other building, workshop, structure, premises, room or place wherein the employer of the persons working there has the right of access and control, and in which, or within the precincts of which, any manual labour is exercised by way of trade or for purposes of gain in or incidental to the making of any article, or part of any article, the altering, repairing, ornamenting or finishing of any article, or, the adapting for sale of any article. R.S.O. 1897, c. 256, s. 2, part. Amended.

(f) "Inspector" shall mean an Inspector appointed by the Lieutenant-Governor in Council for enforcing the provisions of this Part and shall include the Chief Inspector. R.S.O. 1897, c. 257, s. 4 (1) (b); 2 Edw. VII., c. 36, s. 2. Amended.

(g) "Mill-gearing" shall include every shaft, whether upright, oblique or horizontal, and every wheel, drum, pulley or other appliance by which the motion of the first moving power is communicated to any machine appertaining to a manufacturing process. R.S.O. 1897, c. 256, s. 2, part.

(h) "Minister" shall mean the member of the Executive Council charged for the time being with the administration of this Part. (New.)

(i) "Office" shall include a building or that part of a building occupied and under the control of a separate employer and used for office purposes. (New.)

(j) "Office building" shall mean a building used or occupied for office purposes and not as a shop or factory, and shall include a part of a building when so used or occupied. New.

(k) "Owner" shall mean the person for the time being entitled in his own right or as a trustee, mortgagee in possession, guardian, committee, agent or otherwise to receive the rents, issues and profits of any premises used as a factory, shop, bakeshop or office building so far as such rents, issues and profits are not payable solely in respect of the use or occupancy of land apart from any buildings or other improvements erected or situate thereon. See 2 Geo. V. c. 58, s. 2 (k). Amended.

(l) "Parent" shall mean a parent or guardian of, or a person having the legal custody of, or the control over, or having direct benefit from the wages of a child, youth or young girl. R.S.O. 1897, c. 256, s. 2, part.

(m) "Regulations" shall mean regulations made by the Lieutenant-Governor in Council under the authority of this Part. (New.)

(n) "Shop" shall mean any building or a portion of a building, booth, stall, or place where goods are handled, or exposed or offered for sale, and any such building, or portion of a building, booth, stall or place where goods are manufactured, and which is not a factory to which this Act applies; but shall not include any place where the only trade or business carried on is that of a licensed hotel or tavern. R.S.O. 1897, c. 257, s. 4 (1) (a). Amended.

(o) "Week" shall mean the period between midnight on Sunday night and midnight on the succeeding Saturday night. R.S.O. 1897, c. 256, s. 2, part; c. 257, s. 4 (1) (d).

(p) "Woman" shall mean a woman of eighteen years of age and upwards. R.S.O. 1897, c. 256, s. 2, part; c. 257, s. 4 (1) (g).

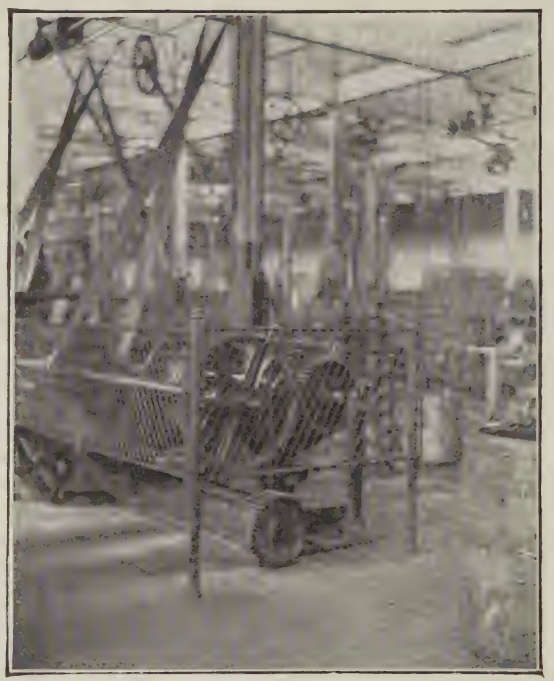
(q) "Young girl" shall mean a girl of the age of fourteen and under the age of eighteen years. R.S.O. 1897, c. 256, s. 2, part; c. 257, s. 4 (1) (f).

(r) "Youth" shall mean a male of the age of fourteen and under the age of sixteen years. 8 Edw. VII. c. 57, s. 1.

Application of Act.

3.—(1) Nothing in this Part shall in any way conflict or interfere with the powers and duties of local boards of health or the officers appointed under The Public Health Act. R.S.O. 1897, c. 257, s. 2.

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(2) For the purposes of this Part in respect to sanitary measures, the Chief Officer of Health or any health officer may act joint with or independently of the Inspector under this Part. New.

4. Nothing in this Part shall extend to a mechanic, artisan or labourer, working only in repairing either the machinery in, or any part of a factory, shop, bakeshop, or office building. R.S.O. 1897, c. 256, s. 27. Amended.

5.—(1) A part of a building used as a factory, shop, bakeshop, or office building may with the written approval of an Inspector for the purposes of this Part be taken to be a separate factory, shop, bakeshop, or office building.

(2) A place used as a dwelling or sleeping room only shall not be deemed to form part of a factory, shop, bakeshop or office building for the purposes of this Part. R.S.O. 1897, c. 256, s. 2, part; c. 257, s. 5. Amended.

(3) Where a place situate within the close or precincts forming a factory is solely used for some purpose other than the manufacturing process or handicraft carried on in the factory, such place shall not be deemed to form part of that factory, for the purposes of this Part, but shall, if otherwise it would be a factory, be deemed to be a separate factory, and be regulated accordingly. R.S.O. 1897, c. 256, s. 2, part.

(4) Any premises or place shall not be excluded from the definition of a factory by reason only that such premises or place are or is in the open air. R.S.O. 1897, c. 256, s. 2, part.

6.—(1) Every shop, building or room in which one or more persons are employed in doing public laundry work by way of trade or for the purpose of gain shall be deemed a factory to which this Part applies. 1 Geo. V. c. 70, s. 1. Amended.

(2) This section shall not apply to a dwelling in which a female is engaged in doing custom laundry work at her home for a regular family trade. 1 Geo. V. c. 70, s. 3.

7.—(1) Except as otherwise expressly provided this Part shall not apply to any factory where not more than five persons are employed, and no power other than manual labour is used in aid of the manufacturing process carried on there. R.S.O. 1897, c. 256, s. 2, part.

(2) A factory in which in any calendar year more than five persons are employed at any one time shall during that year be deemed a factory, unless the Inspector is satisfied that less than six persons are usually employed therein. New.

(3) This Part shall not apply to any shop where only members of the employer's family dwelling in a house to which the shop is attached are employed at home. R.S.O. 1897, c. 257, s. 33. Amended.

8.—(1) Where any owner, occupier or tenant of any premises, building, workshop, structure, room or place who has the right of access thereto, and control thereof, contracts for work or labour to be done therein by any other person, or lets or hires out any part thereof for that purpose, and such other person engages or employs therein any workman, child, youth, young girl, or woman in or for the carrying out or performing of such work or labour, or any part thereof, every such workman, child, youth, young girl or woman shall, for all the purposes of this Part, be deemed to be in the service and employment of such owner, occupier or tenant. R.S.O. 1897, c. 256, s. 2, part; c. 257, s. 4, part.

(2) In computing the number of persons employed in any place in order to ascertain if such place is a factory to which this Part applies, every such workman, child, youth, young girl or woman shall be counted. R.S.O. 1897, c. 256, s. 2, part.

9.—(1) Every person found in a factory, except at meal times, or except while all the machinery of the factory is stopped, or for any other purpose than that of bringing food to the persons employed in the factory, shall, until the contrary is proved, be deemed for the purposes of this Part to have been then employed in the factory.

(2) Yards, playgrounds and places open to public view, waiting rooms, and other rooms belonging to the factory in which no machinery is used or manufacturing process carried on, shall not be taken to be part of the factory for the purposes of this section. R.S.O. 1897, c. 256, s. 6 (1), (2). Amended.

10.—(1) A child, youth, young girl or woman who works in a factory, whether for wages or not, either in a manufacturing process or handicraft, or in cleaning any part of the factory used for any manufacturing process or handicraft, or in cleaning or oiling any part of the machinery, or in any other kind of work whatsoever incidental to or connected with the manufacturing process or handicraft, or connected with the article made, or otherwise the subject of the manufacturing process or handicraft therein shall, save as is herein otherwise provided, be deemed to be employed in such factory.

(2) For the purpose of this section an apprentice shall be deemed to work for hire. R.S.O. 1897, c 256, s. 7.

11.—(1) In every factory and shop the employer shall keep a register of the children, youths, young girls and women employed in the factory and shop and of their employment, Forms 1 and 2 in Schedule "B," and shall send to the Inspector such extracts from any register kept in pursuance of this Part as the Inspector from time to time requires for the execution of his duties, and shall permit the Inspector at all times to inspect such register. R.S.O. 1897, c. 256, s. 33, part; c. 237, s. 10, part; 8 Edw. VII. c. 57, s. 2.

(2) For every contravention of this section the employer shall incur a penalty not exceeding $30. R.S.O. 1897, c. 256, s. 33, part; 8 Edw. VII., c. 57, s. 2.

12.—(1) On the first page of every register kept by an employer pursuant to this Part, or to the regulations made by the Lieutenant-Governor in Council, shall be printed the Form 4 in Schedule "B," and the same shall be properly filled up and signed by the Inspector and the employer, when such register is commenced to be kept. R.S.O. 1897, c. 256, s. 50; 8 Edw. VII., c. 57, s. 2.

(2) The forms of notice mentioned in Schedule "B" may be altered or modified by regulation of the Lieutenant-Governor in Council. New.

13. Where in a factory or shop the owner or hirer of a machine or implement moved by steam, water, electrical power or energy, or other power, in or about or in connection with which machine or implement any child, youth, young girl or woman is employed, is some person other than the employer, and such child, youth, young girl, or woman is in the employment and pay of the owner or hirer of such machine or implement, he shall, so far as respects any offence against this Part, which may be committed in relation to such child, youth, young girl, or woman, be deemed to be the employer. R.S.O. 1897, c. 256, s. 25; 8 Edw. VII., c. 57, s. 2, part. Amended.

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14. Before erecting any building or altering any existing building which it is intended thereafter to use as a factory the owner shall submit the plans of such building or of the proposed alterations to the Inspector, and the Inspector shall examine the same, and if he finds that the plans provide for the fulfilment of the requirements of this Act as to the construction of factories, he shall certify his approval thereon, and the owner shall not proceed with the erection or alteration of such building without such approval. New.

15.—(1) The owner, proprietor or manager of any factory shall not begin operations until he has received from the Inspector a certificate of inspection of the factory and a permit to operate the same.

(2) Any person who contravenes the provisions of this section shall incur the penalties provided for in section 72. 1 Edw. VII., c. 35, s. 4.

16. Every person shall, within one month after he begins to occupy a factory, transmit to the Inspector a notice, Form 7, Schedule "B," containing the name of the factory, the place where it is situate, the address to which he desires his letters to be addressed, the nature of the work, the nature and amount of the moving power therein, and the name of the firm under which the business of the factory is to be carried on, and in default shall incur a penalty not exceeding $30. R.S.O. 1897, c. 256, s. 33, part.

ADMINISTRATION.

17. The Lieutenant-Governor in Council may for the purpose of carrying out this Part—

(a) appoint as many Inspectors, male or female, as may be deemed necessary, one of whom he may designate as Chief Inspector, who shall have the general supervision and direction of the other inspectors and of the carrying out of the provisions of this Part;

(b) make such regulations for carrying out the provisions of this Part, as may be deemed necessary. R.S.O. 1897, c. 256, s. 28, part 29; c. 257, s. 42; 2 Edw. VII., c. 36, s. 3. Amended.

18.—(1) Every Inspector may, in the execution of this Act, and for enforcing the Regulations—

(a) enter, inspect and examine at all reasonable times by day or night any factory, shop, bakeshop or office building when he has reasonable cause to believe that any person is employed therein, and enter by day any place which he has reasonable cause to believe is a factory, shop, bakeshop, or office building;

(b) require the production of any register, certificate, notice or document required by this Part to be kept, and inspect, examine and copy the same;

(c) take with him a constable into a factory, shop, bakeshop or office building in which he has reasonable cause to apprehend any serious obstruction in the execution of his duty;

(d) make such examination and enquiry as may be necessary to ascertain whether the provisions of this Part are complied with, so far as respects the factory, shop, bakeshop or office building and the persons employed therein;

(e) examine either alone or in the presence of any other persons, as he thinks fit, with respect to matters under this Part, every person whom he finds in a factory, shop, bakeshop or office building, or whom he has reasonable cause to believe to be, or to have been, within the two preceding months, employed in a factory, shop, bakeshop or office building, and require such person to be so examined and to sign a declaration of the truth of the matters respecting which he is so examined;

(f) for the purpose of any investigation, inquiry or examination made by him under the authority of this Part, administer an oath to and summon any person to give evidence;

(g) exercise such other powers as may be necessary for carrying out the provisions of this Part. R.S.O. 1897, c. 256, s. 30, part; c. 257, s. 16.

(2) The owner and employer and his or their agents and servants, shall furnish all necesary means in his or their power required by the Inspector for any entry, inspection, examination, inquiry, or the exercise of his powers in relation to such factory, shop, bakeshop or office building. R.S.O. 1897, c. 256, s. 30, part; c. 257, s. 17.

(3) Every person who wilfully delays the Inspector in the exercise of any power under this section, or who fails to comply with a requisition or summons of the Inspector in pursuance of this section, or to produce any certificate or document which he is required by or in pursuance of this Act to produce, or who conceals or attempts to conceal, or prevents or attempts to prevent a child, youth, young girl or woman from appearing before or being examined by the Inspector, shall be deemed to obstruct an Inspector in the execution of his duties under this Part.

(4) Where the Inspector is obstructed in the execution of his duties, the person obstructing him shall incur a penalty not exceeding $30; and where he is so obstructed in a factory, shop, bakeshop, or office building, the employer shall incur a penalty not exceeding $30, or where the offence is committed at night, $100. R.S.O. 1897, c. 256, s. 30; c. 257, s. 19; 8 Edw. VII., c. 57, s. 2, part.

19. Every Inspector shall be furnished with a certificate of his appointment, under the hand and seal of the Minister, and on applying for admission to any premises shall, if required, produce such certificate. R.S.O. 1897, c. 256, s. 32; c. 257, s. 18.

20. The Inspector, whenever he deems it necessary, may take with him into any premises a legally qualified medical practitioner, medical officer of health, or sanitary Inspector. R.S.O. 1897, c. 256, s. 18. Amended.

21.—(1) The Inspector, before entering, in pursuance of the powers conferred by this Part, without the consent of the occupier, any room or place actually used as a dwelling, shall obtain such warrant as is hereinafter mentioned, from a Justice of the Peace.

(2) The Justice, if satisfied by information on oath, that there is reasonable cause to suppose that any provision of this Part is contravened in any such room or place, shall grant a warrant under his hand, authorizing the Inspector named therein, at any time not exceeding one month from the date thereof, to enter the room or place named in the warrant, and exercise therein the powers of inspection and examination conferred by this Act, and the provisions of this Part, with respect to obstruction of the Inspector, shall apply. R.S.O. 1897, c. 256, s. 31. Amended.

22. Where an Inspector is called as a witness, he may, by the direction and on behalf of the Attorney-General or of a member of the Executive Council, object to giving evidence as to any premises inspected by him in the course of his duty. 5 Edw. VII., c. 13, s. 30.

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23.—(1) There shall be affixed at the entrance of a factory, and in such other convenient parts of every factory, shop, bakeshop and office building as the Inspector directs, and be constantly kept so affixed in the form directed by the Inspector and in such position as to be easily read by the persons employed:—

(a) Such notices of the provisions of this Part, and of any regulations made thereunder as the Inspector deems necessary to enable the persons employed to become acquainted with their rights, liabilities and duties under this Part;

(b) A notice of the name and address of the Inspector;

(c) In the case of a factory a notice of the clock (if any) by which the period of employment and times for meals in the factory are regulated;

(d) Every other notice and document, required by this Part to be so affixed.

(2) In the event of a contravention of any provision or requirement of this section, the employer shall incur a penalty not exceeding $20, and any person who pulls down, alters or defaces any such notice, shall incur a like penalty. R.S.O. 1897, c. 256, s. 34; R.S.O. 1897, c. 257, s. 20.

24.—(1) Any notice, order, requisition, summons or document required or authorized to be served or sent, for the purposes of this Part may be served or sent by delivering the same to or at the residence of the person on or to whom it is to be served or sent, or where that person is an employer, by delivering the same, or a true copy thereof, to his agent or to some person in the factory, shop, bakeshop or office building, of which he is employer.

(2) Such notice, order, requisition, summons or document may also be served or sent by post, and if so served or sent shall be deemed to have been served and received respectively at the time when the letter containing the same would be delivered in the ordinary course of post, and in proving such service or sending, it shall be sufficient to prove that it was properly addressed and mailed; and where it is required to be served on or sent to an employer, it shall be deemed to be properly addressed, if addressed to the factory, shop, bakeshop or office building in respect of which he is employer, with the addition of the proper postal address, but without naming the employer. R.S.O. 1897, c. 256, s. 36. Amended.

EMPLOYMENT.

Children, Youths, Young Girls and Women.

25. No child shall be employed in any factory, except in the business of canning or desiccating fruits or vegetables or the work incidental thereto as provided in section 26. R.S.O. 1897, s. 256, s. 3.

26. A child between the ages of twelve and fourteen years and, when employed solely out of doors, a child under twelve years of age may, notwithstanding anything contained in this Part, be employed from June 1st to October 15th, of each year, in such gathering and preparation of fruits or vegetables for canning or desiccating purposes as may be required to be done prior to the operation of cooking or other process requisite in connection with the canning or desiccating of fruits or vegetables. R.S.O. 1897, c. 256, s. 5, part; 4 Edw. VII., c. 26, s. 6; 8 Edw. VII., c. 57, s. 3, part.

27. No person under twelve years of age shall be employed in any shop. R.S.O. 1897, c. 257, s. 6; 8 Edw. VII., c. 58, s. 1, part.

28. The Lieutenant-Governor in Council may by proclamation prohibit the employment of young girls and youths in factories, the work in which he deems dangerous or unwholesome. R.S.O. 1897, c. 256, s. 4.

29. No child shall be employed in any shop during school hours unless such child shall have furnished to the employer a certificate issued in accordance with the provisions of The Truancy Act, permitting the absence of the child from school, and such certificate shall be kept on file by the employer and produced, whenever called for by the Inspector. 8 Edw. VII., c. 58, s. 1, part.

30.—(1) In any shop in which young girls or women are employed the employer shall at all times provide and keep therein a sufficient and suitable chair or seat for the use of every such young girl or woman, and shall permit her to use such chair or seat when not necessarily engaged in the work or duty for which she is employed; and the employer shall not by any open or covert threat, rule or other intimation, expressed or implied, or by any contrivance, prevent any female employee from using such chair or seat.

(2) Any person who contravenes any of the provisions of this section shall incur a penalty of not less than $10 nor more than $25. R.S.O. 1897, c. 257, s. 11.

31. The place, room or apartment in which a child is employed under the provisions of section 26 shall be separate from any other wherein the cooking or other process in connection with or in the canning or desiccating of fruits or vegetables is carried on. R.S.O. 1897, c. 256, s. 5, part.

Hours of Employment.

32. Except as provided in sections 33, 34 and 35, in a factory or shop—

(a) no child, youth, young girl or woman shall be employed for more than ten hours in one day, unless a different apportionment of the hours of labor per day has been made for the sole purpose of giving a shorter day's work on Saturday, nor shall any such person be so employed for more than sixty hours in any one week R.S.O. 1897, c. 256, s. 9, par. 1; 8. Edw. VII., c. 57, s. 2. Redrafted.

(b) the hours of labor for any such person in any one day shall not be earlier than seven o'clock in the forenoon or later than half-past six o'clock in the afternoon, in a factory, or six o'clock in the afternoon in a shop, unless a special permit in writing is obtained from the Inspector. See R.S.O. 1897, c. 257, s. 7 (1); 4 Edw. VII., c. 26, s. 2. Amended.

(c) no child, youth, young girl or woman who has been previously on any day employed in any factory or shop for the number of hours permitted by this Part, shall, to the knowledge of the employer, be employed on the same day in any other factory or shop, and no such person who has been so employed in a factory or shop for less than such number of hours shall be employed in any other factory or shop on the same day for a longer period than will complete such number of hours. R.S.O. 1897, c. 257, s. 8. Amended.

(d) The employer shall allow every child, youth, young girl or woman not less than one hour at noon of each day for meals, and such hour shall not be counted as part of the time herein limited for the employment of any such person. R.S.O. 1897, c. 256, s. 9; c. 257, s. 7, part.

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33. A child between twelve and fourteen years of age, and a youth, young girl or woman may be employed in a shop between the hours of seven o'clock in the morning and ten o'clock in the afternoon on Saturday and the day next before a statutory holiday, and during the period from the 14th day of December to the 24th day of December, both inclusive, in each year. (See R.S.O. 1897, c. 257, s. 7 (2).)

34.—(1) Subject to the regulations, where

(a) any accident which prevents the working of a factory happens to the motive power; or

(b) from any other occurrence beyond the control of the employer, the machinery, or any part of the machinery, of any factory cannot be regularly worked; or

(c) the customs or exigencies of trade require that the youths, young girls or women working in a factory, or in certain processes in a factory, shall be employed for longer than the prescribed period,

the Inspector may, on proof to his satisfaction of such accident, occurrence, custom or exigency of trade, give permission in writing for such exemption from the observance of the foregoing provisions as will, in his judgment, fairly and equitably to the employers of, and to the youths, young girls and women in such factory, make up for any loss of labor from such accident or occurrence, or meet the requirements of such custom or exigency of trade;

(2) If the Inspector permits such exemption,

(a) no youth, young girl or woman shall be employed before the hour of six o'clock in the morning nor after the hour of nine o'clock in the afternoon;

(b) the hours of labor for youths, young girls and women shall not be more than twelve and a half in any one day, nor more than seventy-two and a half in any one week;

(c) such exemption shall not comprise more than thirty-six days, in the whole, in any twelve months; and in reckoning such period of thirty-six days, every day on which the youth, young girl, or woman has been employed overtime shall be taken into account;

(d) during the continuance of such exemption, in addition to the hour for the noonday meal, there shall be allowed to every youth, young girl or woman so employed in the factory on any day to an hour later than seven of the clock in the afternoon not less than forty-five minutes for another meal between five and eight of the clock in the afternoon; and

(e) in every factory with respect to which any such permission for exemption is given, there shall, in compliance with the provisions of section 23, be affixed a notice specifying the extent and particulars of such exemption. R.S.O. 1897, c. 256, s. 11; 8 Edw. VII., c. 57, s. 2.

35.—(1) Women may be employed to a later hour than half past six o'clock in the afternoon during the months of July, August, September and October in a factory where the only work or operations carried on relate to and are exclusively such as may be necessary for the canning or desiccation of fruits or vegetables, and the preparation thereof for that purpose.

(2) No woman shall be so employed to a later hour than nine o'clock in the afternoon for more than twenty days in the whole, and in reckoning such twenty days, every day on which she has been so employed to a later hour than nine o'clock in the afternoon shall be counted.

(3) Where a woman is so employed on any day to a later hour than seven o'clock in the afternoon, she shall, in addition to the hour for the noonday meal provided for by section 32, be allowed not less than forty-five minutes for another meal between five and eight of the clock in the afternoon. R.S.O. 1897, c. 256, s. 10. Amended.

36. The hours of labor for a child between twelve and fourteen years of age in a canning factory shall be limited to the time between seven o'clock in the forenoon and six o'clock in the afternoon, or such other hours of the day as may be permitted by the Inspector; but no such child shall be allowed to work more than ten hours in any one day. 8 Edw. VII., c. 57, s. 3, part.

37. Where any youth, young girl or woman is employed in any factory for a longer period, or until a later hour than is prescribed by sections 34 and 35, the duration of such employment shall be daily recorded by the employer in a register, Form 3 of Schedule "B," or in such other form as may be prescribed by the Regulations. R.S.O. 1897, c. 256, s. 12; 8 Edw. VII., c. 57, s. 2.

38. Notice of the hours between which children, youths, young girls or women may be employed in a factory shall be in Form 5, Schedule "B," or in such other form as may be prescribed by the Regulations, and shall be signed by the Inspector and by the employer, and shall be posted up during the period covered by such notice in such conspicuous place or places in the factory, as the Inspector requires. R.S.O. 1897, c. 256, s. 13; 8. Edw. VII., c. 57, s. 2.

Meals on Premises.

39. In a factory or shop in which any child, youth, young girl or woman is employed,

(a) if the Inspector so directs in writing, the employer shall not allow any such person to take meals in any room in which any manufacturing process is then being carried on.

(b) after being directed by the Inspector in writing so to do, the employer shall, at his own expense, provide a suitable room or place in the factory or shop or in connection therewith, for the purpose of a dining and eating room for persons employed in the factory or shop, no part of the expense of which shall be payable by or chargeable to the wages of the employees. R.S.O. 1897, c. 256, s. 9; c. 257, s. 12; 8 Edw. VII., c. 57, s. 3, part.

(c) no person shall take or be allowed to take food into any room where paint, varnish, dye, white lead, arsenic, or any other poisonous substance is exposed, or where deleterious fumes, dust or gases are known to be present, and drinking water in any such room shall be taken directly from taps or suitably closed receptacles. New.

40. Where a child, youth, young girl or woman is employed in a factory or shop in which there is a contravention of any of the provisions of sections 32 to 36, or of any regulation made under section 34, such child, youth, young girl or woman shall be deemed to be unlawfully employed and so that his or her health is likely to be injured. New. See R.S.O. 1897, c. 256, s. 9, part.

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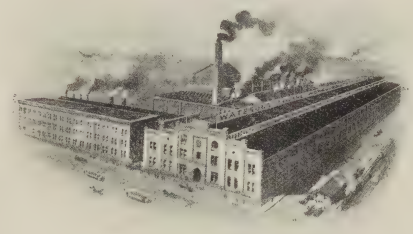
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HEALTH AND SAFETY.

Sanitary Regulations.

41.—(1) The owner of every building used as a factory, shop or office building shall:

(a) provide a sufficient number and description of privies, earth or water-closets and urinals for the employees of such factory, shop, or office building, including separate sets for the use of male and female employees, with separate approaches thereto, one closet for every 25 persons of each sex employed in the factory, shop or office building, and shall keep at the entrance to such closet a clearly painted sign indicating for which sex the closets are provided;

(b) be responsible for the remedying of any effluvia arising from any drain or defective plumbing, and for any repairs required to keep the building in a safe and habitable condition:

(c) arrange for a supply of pure drinking water available for each occupier.

(2) The Lieutenant-Governor in Council may prescribe such additional regulations with respect to such conveniences as may be deemed proper.

(3) The owner of every factory, shop or office building, who for thirty days, or such extended period as the Inspector in writing allows, refuses or neglects to comply with the requirements of subsection 1, or of the Regulations, after being notified in writing in regard to the same by the Inspector, shall incur a penalty of not more than $500, and in default of payment shall be liable to imprisonment for any period of not more than twelve months. 4 Edw. VII., c. 26, s. 3. Amended.

42. A factory, shop or office building in which a contravention of the regulations made by The Hydro-Electric Power Commission of Ontario under The Power Commission Act, occurs, shall be deemed to be kept so that the safety of the persons employed therein is endangered. New.

43.—(1) The employer of every factory or shop shall:

(a) keep it in a clean and sanitary condition and free from any effluvia arising from refuse of any kind;

(b) keep privies, earth or water-closets and urinals in good repair and in a sanitary condition, and keep closets separated for male and female employees, and provide conveniences to the satisfaction of the Inspector for the employees using them;

(c) heat the premises throughout and regulate the temperature so as to be suitable for the work to be performed therein, and not to be injurious to the health or comfort of the employees; but in no case shall the temperature be less than 60 degrees Fahrenheit unless authorized by the Inspector in writing:

(d) ventilate the factory or shop in such a manner as to keep the air reasonably pure, and so as to render harmless, as far as reasonably practicable, all gases, vapors, dust or other impurities generated in the course of any manufacturing process or handicraft carried on therein that may be injurious to health;

(e) not allow over-crowding while work is carried on therein, so as to be injurious to the health of the persons employed therein, the standard to be allowed being 300 cubic feet of room space for each employee;

(f) provide a wash-room, clean towels, soap and a sufficient supply of wholesome drinking water and proper drinking cups for employees, and water taps which shall be at least eight feet distant from any water-closet or urinal, and also, in the case of a foundry, shower-baths for the employees; and

(g) if the manufacturing process carried on in any part of the premises renders the floor liable to be wet to such an extent that the health of any person employed therein is likely to be endangered, see that adequate means are provided for the proper draining of such floors.

(2) The Inspector may require the employer of any factory or shop to provide a sufficient number of spittoons and place the same in different parts of the premises, and keep the same clean.

(3) In every factory or shop where any process is carried on by which dust is generated and is inhaled by the workers to an injurious extent, then, subject to the Regulations, the Inspector may, if such inhalation can by mechanical means be prevented or partially prevented, direct that such means shall be provided within a reasonable time by the employer, who shall be bound so to provide them.

(4) Where grinding, polishing or buffing is carried on in any factory or shop, subsection 3 shall apply irrespective of the number of persons employed therein. 1 Edw. VII., c. 36, s. 1, part; 4 Edw. VII., c. 26, s. 4, part.

(5) No employer shall knowingly permit or suffer any person to work in a factory or shop in which food or food products or materials are manufactured, stored, or kept for sale or sold, who is affected with pulmonary tuberculosis or with scrofula, or with any venereal disease or with any communicable skin disease, and every employer shall keep himself and his employees in a reasonably healthy condition. New.

(6) The employer of a factory or shop who for thirty days refuses or neglects to comply with the requirements of this section, or with the Regulations, after being notified in writing in regard to the same by the Inspector, shall incur a penalty of not more than $500, and in default of payment shall be liable to imprisonment for a period of not more than twelve months. 4 Edw. VII., c. 26, s. 4. Amended.

44.—(1) Every employer of an office shall:

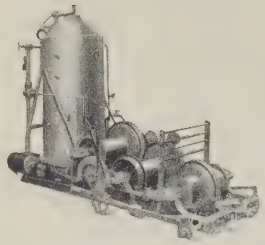
(a) see that the office is kept in a clean and sanitary condition and properly ventilated, heated and lighted so as not to be injurious to the health or comfort of the persons employed therein.

(b) not allow overcrowding, so as to be injurious to the health of the persons employed therein;

(c) provide a supply of clean towels, soap and a sufficient supply of wholesome drinking water and proper drinking cups for the persons employed therein.

(2) Where in an office building the privies, closets or urinals or other conveniences are not situate in that part of the building occupied by and under the control of an employer it shall be the duty of the owner, and where such conveniences are situate in that part of the building occupied by and under the control of a separate employer it shall be the duty of such employer to keep the same in good repair and in a sanitary condition.

(3) The owner of every office building shall at all times keep the same or such parts thereof as are used in common by the tenants or occupants thereof



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and are under his control, in a clean and sanitary condition, and so as not to be injurious to the health of persons employed in the building or using or having access to the same.

(4) Every owner or employer who for thirty days or for such extended period as the Inspector allows, refuses or neglects to comply with the requirements of this section after being notified in writing in regard to the same by the Inspector, shall incur a penalty not exceeding $500, and in default of payment shall be liable to imprisonment for any period of not more than twelve months.

45. Where an owner is required by or under the provisions of this Act to do anything which as between him and his tenant it is not his but the tenant's duty to do, he shall be entitled to recover from the tenant the amount of any expenditure incurred in doing it.

46. Where two or more persons occupy or use the same room or premises as a factory, and employ in the aggregate six persons or more, no one of them employing so many as six, such room or premises shall for the purposes of sections 41 and 43 be deemed a factory to which this Part applies. R.S.O. 1897, c. 256, s. 17.

47. Without the written consent of the Inspector no part of a factory shall be kept or used as a bedroom or sleeping place. 3 Edw. VII., c. 7, s. 45, part, amended.

48. The provisions of section 47 shall not apply to a laundry in which not more than five persons are employed. 1 Geo. V., c. 70, s. 4.

49. No public laundry work shall be done in a room used for a sleeping or living room, or in a room used for cooking or preparing meals. 1 Geo. V., c. 70, s. 2. Amended.

50. The provisions of section 49 shall not apply to a female engaged in doing custom laundry work at her home for a regular family trade. 1 Geo. V., c. 70, s. 3.

51. A stable shall not be kept or used under the same roof as a factory or bakeshop, unless there is between the stable and the factory or bakeshop a sufficient brick or other partition wall approved by the Inspector separating the one from the other. 3 Edw. VII., c. 7, s. 45, part. Amended.

Clothing Manufacturers.

52.—(1) Every person contracting for the manufacture of any garment, article of clothing or wearing apparel or any part thereof, or giving out the same to be wholly or partially altered or improved, or giving out for manufacture, alteration or improvement, material from which the same are to be made up or completed, shall keep a written register of the name and address serially numbered of every person so contracted with, or to whom any such garment, article or material is so given out, and of the places where the work is to be done.

(2) The register shall at all times be open to inspection by the Inspector, and the person required to keep it shall furnish a copy of the register to the Inspector whenever demanded by him. 63 Vic., c. 43, s. 1, part. Amended.

(3) No person shall knowingly sell or expose for sale any of the garments or articles mentioned in this section and made in any dwelling house, tenement house or building forming part of or in the rear of a tenement or dwelling house, without a permit from the Inspector, stating that the place of manufacture is thoroughly clean and otherwise in a good sanitary condition.

(4) Such permit shall state the maximum number of persons allowed to be employed upon the premises, and shall not be granted until an inspection thereof has been made by the Inspector, and the permit may be revoked by the Inspector at any time, if, in his opinion, the protection of the health of the community, or of those so employed upon the premises, renders such revocation desirable.

(5) When any such garment or article is found by the Inspector to be made under unclean or unhealthy conditions, or upon any premises not entered on the register, he shall seize and impound the same and affix thereto a label bearing the words "unsanitary" printed on a tag not less than four inches in length; and shall immediately notify the local Board of Health, whose duty it shall be to disinfect it, and thereupon remove such label.

(6) The owner of any such garment or article shall be entitled, after it has been disinfected, to have the same returned to him upon first paying the expense of such seizure and disinfection.

(7) If the Inspector finds evidence of unclean or unhealthy conditions, or infectious or contagious disease present in any workshop, or in any tenement or dwelling where any of the garments or articles hereinbefore mentioned are made, altered or improved, or in any goods manufactured or in process of manufacture, on such premises, he shall forthwith report the facts to the local Board of Health, which shall forthwith make such order as the public health may require, or may condemn and destroy all such garments or articles, or any garment or article made, altered or improved, or in process of manufacture under unclean or unsanitary conditions. 63 Vic., c. 43, s. 1, part.

Female Employees—Mode of Wearing Hair.

53.—(1) Young girls and women in a factory shall, during working hours, wear their hair rolled or plaited, and fastened securely to their heads, or confined in a close-fitting cap or net so as to avoid contact with machinery, shafting or belting, or with the material being handled.

(2) The manager, superintendent, foreman or other person in charge shall see that employees are fully notified of the provisions of this section. 4 Edw. VII., c. 26, s. 1.

Cleaning Machinery.

54.—(1) A child shall not be allowed to clean any part of the machinery in a factory while the same is in motion.

(2) A youth, young girl or woman shall not be allowed to clean such part of the machinery in a factory as is mill-gearing, while the same is in motion.

(3) A child or a young girl shall not be allowed to work between the fixed and traversing part of any self-acting machine while the machine is in motion.

(4) A child, youth, young girl, or woman, allowed to clean or work in contravention of this section shall be deemed to be employed contrary to the provisions of this Part. R.S.O. 1897, c. 256, s. 14.

Guarding Machinery.

55.—(1) In every factory:

(a) all mill-gearing, vats, pans, cauldrons, reservoirs, wheel races, flumes, water-channels, openings and doors opening in the floors or walls, bridges, and dangerous machinery, shafting, or belting, and all other dangerous structures and places, shall be as far as practicable securely fenced or guarded;

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(b) no machinery other than steam engines shall be cleaned while in motion, if the Inspector gives written notice to the employer to that effect. R.S.O. 1897, c. 256, s. 20 (1), clause (a) and (b). Amended.

(c) any matter or thing which the Lieutenant-Governor in Council by regulation requires to be fenced or guarded shall be securely and safely guarded. New.

(d) any other matter or thing which the Inspector considers dangerous, and in regard to which he gives notice in writing to that effect to the employer, shall likewise be securely fenced or guarded to the satisfaction of the Inspector. R.S.O. 1897, c. 256, 20 (1), cl. (e). Amended.

(2) The Lieutenant-Governor in Council may make regulations prescribing the manner in which any of the matters or things mentioned in subsection 1, shall be fenced or guarded, and the class of fence or guard to be used on any such machinery or about any such structure or place, in any factory or class of factories, and for such further precautions to be taken with respect to the matters mentioned in subsection 1, as he may deem necessary for preventing loss of life or personal injury. (New.)

(3) A factory in which a contravention of this section or of the regulations made thereunder occurs shall be deemed to be kept so that the safety of the persons employed therein is endangered. R.S.O. 1897, c. 256, s. 20 (2), part.

56.—(1) Where coal oil, petroleum, benzine, naphtha, gasoline, or explosives of any kind, or any combustible or inflammable material are kept or stored in a factory or shop they shall be kept stored when not in actual use, in a building separate from the other parts of the factory or shop, or in a fireproof compartment of the factory or shop, which shall be approved of by the Inspector. 1 Edw. VII., c. 35, s. 2, part.

(2) The Lieutenant-Governor in Council may add to the articles mentioned in subsection 1, any inflammable or combustible material to which he deems it expedient that the provisions of subsection 1 should apply, and he may also prescribe the maximum quantity of any of the articles mentioned in subsection 1 or in the Regulations, which may at any time be in actual use in the factory or shop. New.

(3) A factory or shop in which a contravention of this section or of any regulations made thereunder occurs shall be deemed to be kept so that the safety of the persons employed therein is endangered. R.S.O. 1897, c. 256, s. 20 (2), part.

Boiler Insurance and Inspection.

57.—(1) In a factory, shop or office building no boiler shall be used that is not insured in some boiler insurance company registered in the Department of Insurance, or that has not been inspected within one year by a competent person who has had charge of a boiler and engine for a period not less than five years, or who holds a certificate as a stationary engineer, and the owner or employer shall, whenever so requested by the Inspector, produce for examination the insurance policy or certificate of inspection. 1 Edw. VII., c. 35, s. 2, part.

(2) Every such boiler insurance company shall, annually, on the 30th day of November transmit to the Chief Inspector a report of the boilers in Ontario insured by it, and when an insurance is cancelled the company shall forthwith give notice thereof to the Chief Inspector. (New.)

(3) Whenever the Inspector is of opinion that a boiler in use in any factory, shop or office building is in such a condition or is so located or operated as to be dangerous to life or property, he may, by written notice to the owner and employer, direct that the use of the boiler shall be discontinued until it has been inspected by some competent person approved by the Inspector, and a certificate has been given by him that the boiler may be safely operated.

(4) A factory, shop or office building in which a boiler is used in contravention of the requirements of this section or after such notice from the Inspector, and before a certificate has been given as provided by subsection 3, shall be deemed to be kept so that the safety of the persons employed therein is endangered. R.S.O. 1897, c. 256, s. 20 (2). Amended.

Elevators and Hoists.

58.—(1) Subject to the regulations, in every factory, shop and office building:

(a) the openings of the hoistway, hatchway, and well-hole used for every power elevator shall, at each floor, including the basement, be provided with and protected by good and sufficient trapdoors or self-closing hatches, or, in the case of an elevator not operated by hand-power, by gates closing automatically, not less than five feet six inches high, and which may be made in sections;

(b) the sides of the shafts on all floors including the basement, not guarded by gates, shall be protected by enclosures at least six feet high, approved by the Inspector;

(c) where any elevator is enclosed in a tower having walls over six inches thick, it may be provided with an extra operating rope outside the tower;

(d) in every case the elevator must be provided with a lock to secure the operating rope;

(e) when an elevator is operated by hand power the gates shall not be less than three feet in height, and shall be automatic closing gates, and the sides not protected by gates shall be protected by enclosures not less than four feet in height approved by the Inspector;

(f) a sign on which the word "Dangerous," in letters not less than four inches in height is clearly painted, shall be affixed or stencilled on the bottom rail of every gate where it will be plainly visible from the outside;

(g) the top of every elevator platform shall be provided with a sufficient guard to protect the occupants, approved by the Inspector. 4 Edw. VII., c. 26, s. 5. Amended.

(h) every elevator, whether used for freight or passengers, shall be provided with some suitable mechanical device to be approved by the Inspector, whereby the car or cab will be stopped and held in case of accident to the elevator or to the machinery or appliances connected therewith. R.S.O. 1897, c. 256, s. 20 (1), clause (d).

(2) The Lieutenant-Governor in Council may, by regulation, prescribe such requirements in addition to or in substitution for the requirements of subsection 1, with respect to the use of elevators and hoists in factories, shops or office buildings, or in any class of factories, shops or office buildings. New.

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(3) Every owner or employer who, after notice from the Inspector, uses or permits to be used any elevator or hoist in respect of which the provisions of this section are not complied with shall incur a penalty not exceeding $500, and in default of payment thereof shall be liable to imprisonment for any period not exceeding twelve months. New.

(4) Nothing in this section shall take away or interrere with the powers possessed by municipal councils under The Municipal Act in respect of hoists or elevators. New.

Fire Prevention and Protection.

59.—(1) In every factory, shop or office building

(a) there shall be such means of prevention and protection from fire and of extinguishing fire as the Inspector, acting under the Regulations, directs in writing;

(b) the main inside and outside doors shall open outwardly, and any door leading to or being the principal or main entrance or leading to any tower stairway, or fire-escape, shall not be bolted, barred or locked at any time during the ordinary and usual working hours. R.S.O. 1897, c. 256, s. 21 (1), cl. (a) (b).

(2) The owner of every factory, shop or office building over two storeys in height, and where deemed necessary by the Inspector, the owner of every factory, shop or office building over one storey in height, shall provide one or more systems of fire escape, and shall keep the same in good repair, and to the satisfaction of the Chief Inspector, as follows:

(a) a sufficient number of tower stairways with iron doorways within reach of or having easy communication with all the working rooms. 1 Edw. VII., c. 35, s. 3; or

(b) a sufficient number of iron or other uninflammable fire escapes on the outside of the building, consisting of stairways with railing, or if the approval of the Inspector is given in writing, then of iron ladders, and every such stairway or ladder shall be connected with the interior of the building by iron or tinned doors or windows with iron shutters, and shall have suitable landings at every storey, including the attic, if the attic is occupied as a workroom, and the stairways shall start at a distance of not more than eight feet from the ground or pavement. 2 Edw. VII., c. 36, s. 1.

(3) The Lieutenant-Governor in Council may make regulations for the more effectual carrying out of the provisions of this section and for the adoption of any system of fire escape in substitution for those above mentioned.

(4) The owner or proprietor of any factory, shop or office building refusing or neglecting to provide the means of safe exit in case of fire prescribed in this section, or by the Regulations made thereunder, shall incur a penalty of not more than $500, and in default of immediate payment of the same shall be liable to imprisonment for a period of not more than twelve months. 1 Edw. VII., c. 35, s. 3.

(5) A factory, shop or office building in which a contravention of this section, or of any regulation made thereunder, occurs, shall be deemed to be kept so that the safety of the persons employed therein is endangered. R.S.O. 1897, c. 256, s. 21 (4).

Notices of Accidents, Explosions and Deaths.

60. Where a fire or accident in any factory, shop or office building occasions any bodily injury to any person employed therein whereby he is prevented from working for more than six days next after the fire or accident, a notice in writing, Form 6, Schedule "B," shall be sent to the Chief Inspector by the employer forthwith after the expiration of such six days, and if such notice is not so sent the employer shall incur a penalty not exceeding $30. R.S.O. 1897, c. 256, s. 22.

61. Where an explosion occurs in a factory, shop or office building, whether any person is injured thereby or not, the fact of such explosion having occurred shall be reported to the Chief Inspector in writing by the employer, Form 6, Schedule "B," within twenty-four hours next after the explosion takes place, and if such notice is not so sent, the employer shall incur a penalty not exceeding $30. R.S.O. 1897, c. 256, s. 23.

62. Where in a factory, shop or office building any person is killed from any cause or is injured from any cause, in a manner likely to prove fatal, written notice of the accident, Form 6, Schedule "B," shall be sent to the Chief Inspector within twenty-four hours after the occurrence thereof, and if such notice is not so sent, the employer shall incur a penalty not exceeding $30. R.S.O. 1897, c. 256, s. 24.

Bake-shops.

63. Every bake-shop shall be constructed and maintained as to lighting, heating, ventilation and drainage in such a manner as not to be dangerous or injurious to the health of any person working therein, and shall be kept at all times in a clear and sanitary condition, and so as to secure the manufacture and preservation of all food products and materials therein in a good and wholesome condition. R.S.O. 1897, c. 257, s. 35. Amended.

64.—(1) Every bake-shop which is not within the provisions of this Part relating to factories or shops shall be provided with a proper washroom and a sufficient supply of clean towels and soap, and a closet and other conveniences for the health and comfort of the persons employed therein.

(2) The washroom, closets and other conveniences shall be separate from the bake-shop and shall be kept clean and in a sanitary condition. R.S.O. 1897, c. 257, s. 36. Amended.

65.—(1) No bake-shop shall be kept in any basement or in any part of a building which is below the level of the street or road upon which the bake-shop is situate.

(2) This section shall not apply to any bake-shop established before the passing of this Act. New.

66. The sleeping places of the employees of every bake-shop shall be separate from the bake-shop, and no person shall sleep in a bake-shop. R.S.O. 1897, c. 257, s. 37. Amended.

67. Subsection 5 of section 43 and section 70 shall apply to every bake-shop, whether the same is or is not a factory or shop within the provisions of this Part relating to factories and shops. New.

68. Every bake-shop, not being a factory or shop to which section 59 applies, shall be provided with proper means and facilities of escape in case of nre, to the satisfaction of the Inspector. R.S.O. 1897, c. 257, s. 38. Amended.

69. No person shall sell, expose or offer for sale, bread manufactured out of Ontario without the written permision of an Inspector. New.

70. Except with the written permission of the Inspector, no person shall require, permit or suffer any employee in any bake-shop to work on Sunday, nor for more than twelve hours in any twenty-four hours, computed from the time when the employee commences to work, nor more than sixty hours in any one week, and a copy of such permission shall be posted up in a conspicuous place in the bake-shop. 1 Edw. VII., c. 36, s. 2. Amended.

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Barber-Shops.

71.—(1) The proprietor of a barber shop shall not:

(a) require, permit or suffer any employee to work therein on Sunday;

(b) open his barber shop or permit the same to be opened to the public; or

(c) carry on any business or work therein at any time between the hours of twelve o'clock on Saturday night and twelve o'clock on the following Sunday night.

(2) Every person who contravenes the provisions of subsection 1 shall incur a penalty of not less than $20, nor more than $50. 1 Edw. VII., c. 36, s. 3. Amended.

Offences and Penalties.

72.—(1) No person shall keep a factory, shop or office building so that the safety of persons employed therein is endangered, or so that the health of the persons employed therein is likely to be injured, and every person who so keeps a factory, shop or office building shall incur a penalty of not more than $500, recoverable under The Ontario Summary Convictions Act, or may be imprisoned in the common gaol of the county within which the offence was committed for a period of not more than twelve months. R.S.O. 1897, c. 256, s. 19.

(2) The enumeration in this Part of cases in which it is declared that where an act or omission occurs, a factory, shop or office building shall be deemed to be kept so that the safety of the persons employed therein is endangered, shall not restrict or limit the generality of the provisions of subsection 1. (New.)

73. Every person who wilfully makes a false entry in any register, notice, certificate or document required by this Part to be kept or served, or sent, or who wilfully makes or signs a false declaration under this Act, or who knowingly makes use of any such false entry or declaration, shall incur a penalty of not more than $100, and in default of immediate payment of such penalty shall be liable to imprisonment for a period not exceeding six months. R.S.O. 1897, c. 256, s. 37. See also R.S.O. c. 257, s. 22.

74. The parent of any child, youth or young girl employed in contravention of this Part, unless such employment is without the consent, connivance o. wilful default of such parent, shall for each offence incur a penalty of not more than $50. R.S.O. 1897, c. 256, s. 38. Amended.

75. If any of the provisions of this Part, or of the Regulations, or any directions of the Inspector are contravened, and no other penalty is herein provided for such contravention, the offender shall incur a penalty of not more than $50. R.S.O. 1897, c. 256, s. 39.

76. Where a child, youth or young girl is, in the opinion of the police magistrate or justice, apparently of the age alleged by the informant, it shall lie on the person charged to prove that the child, youth or young girl is not of that age. R.S.O. 1897, c. 256, s. 6 (3); c. 257, s. 29.

77. Where an offence for which an employer is liable under this Part has in fact been committed by some agent, servant, workman or other person, such agent, servant, workman or other person shall also be liable to the same penalty or punishment for such offence as if he were the employer. R.S.O. 1897, c. 256, s. 43; c. 257, s. 27.

78. Where the employer is charged with an offence against this part he shall be entitled, upon information duly laid by him, to have any other person whom he alleges to be the actual offender brought before the police magistrate or justice at the time appointed for hearing the charge; and if after the commission of the offence has been proved the employer proven to the satisfaction of the police magistrate or justice that he had used due diligence to enforce the execution of this Part, and that such other person had committed the offence without the knowledge, consent or connivance of the employer, such other person may be summarily convicted of such offence and the employer shall be exempt from any penalty or punishment. R.S.O. 1897, c. 256, s. 41; c. 257, s. 26.

79. Where it appears to the satisfaction of the Inspector that an employer had used all due diligence to enforce the execution of this Part, and also by what person an offence against this Part was committed, and that it was committed without the knowledge, consent or connivance of the employer and in contravention of his orders, the Inspector shall proceed against the person whom he believes to be the actual offender in the first instance, and not against the employer, and in case of his conviction, the employer shall be exempt from any penalty or punishment. R.S.O. 1897, c. 256, s. 42. Amended.

80. A person shall not be liable in respect of a repetition of the same kind of an offence from day to day to any larger penalty or punishment than the highest penalty or punishment fixed by this Part for the offence, except where—

(a) the repetition of the offence occurs after an information has been laid for the previous offence; or

(b) the offence is one of employing two or more children, youths, young girls or women, contrary to the provisions of this Part. R.S.O. 1897, c. 256, s. 44; c. 257, s. 30; 8 Edw. VII., c. 57, s. 2.

81. All penalties in money, recovered under or in pursuance of this Part, shall be paid by the convicting police magistrate or justice, as the case may be, to the Inspector, who shall forthwith pay the same over to the Treasurer of Ontario. R.S.O. 1897, c. 256, s. 45; c. 257, s. 31.

82.—(1) All prosecutions under this Part may be brought and heard before a police magistrate or any two justices in and for the county, district or place where the offence was committed; and save where otherwise provided by this Act The Ontario Summary Convictions Act shall apply thereto. R.S.O. 1897, c. 256, s. 46; c. 257, s. 28.

(2) The information shall be laid within two months, or where the offence is punishable at discretion by imprisonment within three months after the offence has come to the knowledge of the Inspector, or where the Inspector has given notice to the offender to remedy the matter which is alleged to be an offence against this part within three months after the expiry of the time given by the notice to remedy the same.

(3) It shall be sufficient to allege that a factory, shop or office building is a factory, shop or office building within the meaning of this Part.

(4) It shall be sufficient to state the name of the ostensible employer or the firm name by which the employer is usually known. R.S.O. 1897, c. 256, s. 47; c. 257, s. 32. Amended.

83. In all cases between employer and employed or their representatives where liability for damages arises by reason of any violation of this Part,

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the liability shall be subject to the limitations contained in The Workmen's Compensation for Injuries Act. 3 Edw. VII., c. 7, s. 46; 8 Edw. VII., c. 33, s. 52.

PART II.

Municipal By-laws as to Closing of Shops.

84.—(1) In this section and in any by-law passed thereunder:

(a) "Shop" shall mean a building or portion of a building, booth, stall or place where goods are exposed or offered for sale by retail, and barbers' shops; but not where the only trade or business carried on is that of a licensed hotel or tavern, victualling house or refreshment house. R.S.O. 1897, c. 257, s. 44 (1), part; 4 Edw. VII., c. 10, s. 61, amended.

(b) "Closed" shall mean not open for the serving of any customer;

(2) Nothing in this section or in any by-law passed under the authority thereof shall render unlawful the continuance in a shop after the hour appointed for the closing thereof, of any customers who were in the shop immediately before that hour, or the serving of such customers during their continuance therein. R.S.O. 1897, c. 257, s. 44 (1), part.

(3) The council of a city, town or village may by by-law require that during the whole or any part or parts of the year all or any class or classes of shops within the municipality shall be closed, and remain closed on each or any day of the week at and during any time or hours between seven of the clock in the afternoon of any day and five of the clock in the forenoon of the next following day. R.S.O. 1897, c. 257, s. 44 (2), amended.

(4) If an application is presented to such council, praying for the passing of a by-law requiring the closing of any class of shops situate within the municipality, and the council is satisfied that such application is signed by not less than three-fourths in number of the occupiers of shops within the municipality and belonging to the class to which such application relates, the council shall, within one month after the presentation of such application, pass a by-law giving effect thereto and requiring all shops within the municipality, belonging to the class specified in the application, to be closed during the period of the year, and at the times and hours mentioned in subsection 2, as are named in the application. R.S.O. 1897, c. 257, s. 44 (3).

(5) If the application is delivered to the clerk of the council, it shall be deemed to have been presented to and received by the council. R.S.O. 1897, c. 257, s. 44 (5).

(6) The council of every township shall, with respect to any portion of such township, designated in the by-law, have all the rights and powers conferred by this section on the council of a city, town or village, and may pass by-laws which shall apply only to that portion of the township so designated. New. (See R.S.O. 1897, c. 257, s. 44 (1), part, and (2).)

(7) The council may by by-law make regulations as to the form of the application and as to the evidence to be produced respecting the proportion of persons signing the same, and as to the classification of shops for the purposes of this section, and it shall not be compulsory upon the council to pass such by-law unless and until all such regulations have been duly observed. R.S.O. 1897, c. 257, s. 44 (4).

(8) Every such by-law shall take effect at a date named therein, being not less than one nor more than two weeks after the passing thereof, and shall before that date be published in such manner as to the council passing the by-law may appear best fitted to insure the publicity thereof.

(9) A council shall not repeal a by-law passed pursuant to subsection 4, except as provided in the next following subsection.

(10) If at any time it is made to appear to the satisfaction of the council that more than one-third in number of the occupiers of shops to which any by-law passed by the council under the authority of subsection 4 relates, or of any class of such shops, are opposed to the continuance of such by-law, the council may repeal the by-law, or may repeal the same in so far as it affects such class; but any such repeal shall not affect the power of the council to thereafter pass another by-law under any of the provisions of this section.

(11) A shop in which trades of two or more classes are carried on, shall be closed for the purpose of all such trades during the hours in which it is by any such by-law required to be closed for the purpose of that one of such trades which is the principal trade carried on in such shop. R.S.O. 1897, c. 257, s. 44 (6)-(9).

(12) A pharmaceutical chemist, or druggist, shall not, nor shall any occupier of or person employed in or about a shop in any village or township be liable to any penalty or punishment under any such by-law, for supplying medicines, drugs or medical appliances after the hour appointed by such by-law for the closing of shops; but nothing in this subsection shall authorize any person to keep open shop after that hour. R.S.O. 1897, c. 257, s. 44 (10), amended.

(13) Nothing in any such by-law shall render the occupier of any premises liable to any penalty or punishment for supplying any article to any person lodging in such premises, or for supplying any article required for immediate use by reason of any emergency arising from sickness, ailment or death, or for supplying or selling any article to any person for use on, or in, or about, or with respect to any steamboat or sailing vessel which at the time of such supplying or selling is either within or in the immediate neighborhood of the municipality in which the premises are situate, or for use by or with respect to any person employed or engaged on, or being a passenger on or by any such steamboat or sailing vessel; but nothing in this subsection shall authorize any person to keep open shop after the hour appointed by such by-law for the closing of shops. R.S.O. 1897, c. 257, s. 44 (11).

(14) A by-law passed by the council of a township for the closing of all or any class or classes of shops may, as to any or all of its terms and provisions, differ from any other by-law passed by the same council for the closing of all or any class or classes of shops in any other designated part of the same township.

(15) Notwithstanding that the occupiers of any class of shops required to be closed by a by-law passed, under the provisions of subsection 4, may not have presented an application for the passing of such by-law, every such by-law shall, nevertheless, be valid and effectual as respects any other, and the occupiers of any other class of shops thereby required to be closed in conformity with any application in that behalf made or presented to the council by the prescribed number of occupiers of such last-mentioned class.



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(16) The onus of proving that an application in compliance with subsection 4 was not presented by the prescribed number of the occupiers of any class of shops, shall be upon the person asserting that such application was not so presented.

(17) Where an offence for which the occupier of a shop is liable under any such by-law to any penalty or punishment, has in fact been committed by some agent or servant of such occupier, such agent or servant shall be liable to the same penalty or punishment as if it were the occupier.

(18) Where the occupier of a shop is charged with an offence against any such by-law, he shall be entitled, upon information duly laid by him, to have any other person whom he alleges to be the actual offender, brought before the Court at the time appointed for hearing the charge; and if, after the commission of the offence has been proved, the occupier proves to the satisfaction of the Court that he has used due diligence to enforce the execution of the provisions of the by-law, and that such other person committed the offence without his knowledge, consent or connivance, such other person may be summarily convicted of such offence and shall be liable to the same penalty or punishment as if he were the occupier, and the occupier shall be exempt from any penalty or punishment. R.S.O. 1897, c. 257, s. 44 (13)-(17).

(19) The provisions of The Municipal Act as to the penalties which may be imposed for contravention of by-laws and the recovery thereof shall apply to by-laws passed under this section. New.

85. Chapters 256 and 257 of the Revised Statutes of Ontario, 1897; chapter 43 of the Acts passed in the 63rd year of the reign of Her late Majesty Queen Victoria; chapters 35 and 36 of the Acts passed in the 1st year; chapter 36 of the Acts passed in the 2nd year, sections 45 and 46 of chapter 7 of the Acts passed in the 3rd year; section 61 of chapter 10, and chapter 26 of the Acts pased in the 4th year; section 30 of chapter 13 of the Acts passed in the 5th year; section 52 of chapter 33, and chapters 57 and 58 of the Acts passed in the 8th year of the reign of His late Majesty King Edward the Seventh, and chapter 70 of the Acts passed in the 1st year of the reign of His present Majesty are repealed.

An Act Respecting the Board of Stationary Engineers

His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as The Stationary Engineers' Act.

2. In this Act,

(a) "Board" shall mean the Board of Examiners appointed as hereinafter provided.

(b) "Steam plant" shall mean and include a steam boiler, a boiler and a steam engine and every part thereof and thing connected therewith or used with reference to any such boiler or engine or under the care of an engineer. 7 Edw. VII., c.32, s. 1, part. Amended.

(c) "Minister" shall mean Minister of Agriculture.

3. Nothing in this Act shall apply to the operation of any steam plant having a capacity of less than fifty horse power, nor to steam heating plants operating at a pressure of twenty pounds or under, nor to the operation of a locomotive engine or a steamboat or steamship engine or a hoist at a mine or quarry. 7 Edw. VII., c. 32, s. 1, part.

4. The Lieutenant-Governor in Council may appoint a Board of Examiners consisting of three competent and independent engineers practically conversant with the construction of boilers and the operation of steam plants, who shall hold office during pleasure, and who, subject to the regulations mentioned in the next following section, shall prescribe the subjects in which candidates for certificates of qualification as stationary engineers shall be examined, and shall conduct or provide for and supervise the examination of candidates and report thereon to the Minister. 7 Edw. VII., c. 32, s. 2.

5. The Lieutenant-Governor in Council upon the recommendation of the Minister may make regulations for:

(a) The examination of candidates, the granting of certificates and the evidence to be furnished by candidates as to previous training or experience and sobriety and good character;

(b) Determining the time of duration of certificates and their renewal;

(c) Fixing the fees to be paid by candidates upon examination and for certificates and their renewal;

(d) Prescribing the causes for which a certificate may be revoked, cancelled or suspended; and for

(e) Fixing the fees or other remuneration to be paid to the members and officers of the board. 7 Edw. VII., c. 32, s. 3.

6 No person shall be eligible for examination unless he is a British subject or has resided in Canada for at least one year. 9 Edw. VII., c. 65, s. 1.

7.—(1) On the recommendation of the Board and on payment of the prescribed fees the Minister may issue certificates of qualification to stationary engineers.

(2) Subject to the regulations a certificate may be revoked, cancelled or suspended by the Minister on the recommendation of the Board at any time.

(3) Every stationary engineer shall, during the continuance of his certificate, register with the Board on or before the 1st day of February of each year on a form to be furnished by the Board, and any stationary engineer who fails to do so shall not continue in charge of a steam plant unless by special permission of the Board. 7 Edw. VII., c. 32, s. 4.

8. A person who is not the holder of a certificate shall not operate or have charge of any steam plant except in case of emergency when he may be employed in operating any steam plant for a period not exceeding thirty days at any one time. 7 Edw. VII., c. 32, s. 5.

9. The Board at its discretion may grant a provisional certificate to be good for a period not to exceed one year to any person who holds a stationary engineer's certificate from the Board of Examiners or other duly constituted authority of any other Province of Canada. See 10 Edw. VII., c. 26, s. 29 (2).

10. The certificates shall at all times be exposed to view in the engine or boiler room in which the holder thereof is employed, and failure to keep such certficate exposed shall be prima facie evidence

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of the lack of qualification under this Act. 7 Edw. VII., c. 32, s. 7.

11. This Act shall not apply to firemen or other workmen acting under the personal direction and supervision of any engineer holding a certificate under this Act who is actually in charge of a steam plant, or to the employees of engine builders or steam plant contractors engaged in installing, setting up or testing a boiler or steam plant. 7 Edw. VII., c. 32, s. 8.

12. Any person who deems himself aggrieved by the decision of the Board may appeal therefrom to the Minister, upon giving such notice as the Minister may prescribe, and the decision of the Minister shall be final. 7 Edw. VII., c. 32, s. 9.

13. The Board shall on or before the 15th day of January in every year make to the Minister a report in writing for the year ending on the 31st day of December of the previous year showing:

(a) The number of certificates granted, and the persons to whom the same were granted;

(b) The number of applications for certificates refused and the causes for refusal.

(c) The number of certificates revoked, cancelled or suspended, and the cause for the same;

(d) The amount of fees received from candidates or holders of certificates.

(e) Such other matters as may be directed by the Minister or the Lieutenant-Governor in Council. 7 Edw. VII., c. 32, s. 10.

14.—(1) Any member of the Board, on presentation of authority in writing signed by the Minister may enter any premises wherein he has reason to believe there is a steam plant, and make such inspection as may be necessary to determine whether the provisions of this act are being complied with.

(2) Any person who interferes with or obstructs a member of the Board in the exercise of the powers conferred on him shall incur a penalty not exceeding $100, recoverable under The Ontario Summary Convictions Act.

15. Except as provided in section 8 every person who operates a steam plant as the engineer in charge thereof without the certificate required by this Act, and every person employing him or permitting him so to do, shall incur a penalty of not less than $10 nor more than $25, recoverable under The Ontario Summary Convistions Act. 7 Edw. VII., c. 32, s. 11.

16. An inspector appointed under The Ontario Factories Act may be appointed a member of the Board, and it shall be the duty of the Inspectors of Factories to assist in the enforcement of this Act, to report to the Board any violation thereof, and to furnish to the Board such information as they may have as to the conduct and capablity of any person holding or applying for a certificate. 7 Edw. VII., c. 32, s. 12.

17. Chapter 26 of the Acts passed in the 6th year, and Chapter 32 of the Acts passed in the 7th year, and section 1 of chapter 65 of the Acts passed in the 9th year, and section 29 of chapter 26 of the Acts passed in the 10th year of His late Majesty's reign are repealed.

REGULATIONS SET BY ORDER IN COUNCIL. NOTICE.

No person who is not the holder of a Certificate of Qualification, issued by the Minister of Agriculture, shall operate any stationery steam boiler or engine of fifty horse power or over, or any steam heating plant operating at a pressure of over twenty pounds, in the Province of Ontario, subject to a penalty on summary conviction of not less than ten dollars and costs; and every person employing him or permitting him to operate as the engineer in charge shall be liable to a similar penalty.

This provision does not apply to firemen and assistants who are working under the personal supervision of a certified engineer, but it does apply to an engineer or assistant who takes charge of the watch or shift in the absence of the chief engineer.

Any engineer who fails to keep his Certificate exposed to view at all times in the engine or boiler room in which he is employed is liable to a fine of ten dollars.

Certificates by Examination.

Any person who desires to take charge of a stationary steam plant of 50 horse power in Ontario must make application to the Board (on a form which will be supplied on request) to be examined for a certificate.

A candidate for examination is required:—

(a) To be at least 21 years of age;

(b) To furnish information as to the length of his practical experience as an engineer, assistant fireman or oiler, under the supervision of a competent engineer;

(c) To satisfy the Board as to character and sobriety;

(d) To answer correctly at least sixty per cent. of the questions presented;

(e) To pay a fee of three dollars at the time application is made for examination. (This fee will not be returned to the applicant should he fail to pass the examination.)

Examinations consist of questions upon the construction and operation of steam engines, steam boilers, steam pumps and hydraulics.

Examination questions will be furnished only at the time of examination, and under no circumstances can they be furnished by mail.

Examinations are written; but where the applicant has had less than two years' experience as above (and also in the case of any other applicant whom the Board may deem should be so examined) the examiner shall examine the candidate orally on the questions contained in the examination paper and have him demonstrate his knowledge of the operation of a steam plant in an engine or boiler room.

In the event of a candidate failing in his examination, ninety days shall elapse before he shall become eligible for re-examination.

Candidates may be examined, subject to appointment, at any time during office hours at the office of the Board at the Parliament Buildings, Toronto, and the Board may conduct examinations twice in each year on such dates as may be determined:—

(a) At the City of London;

(b) At the City of Kingston;

(c) At the City of Ottawa;

(d) At the City of Port Arthur;

and at such other times and places as may be considered desirable by the Board.

Notice of the time and place of holding examination will be sent to each candidate living in the district where the examination is held.

As to Certificates.

A Certificate is good only until the 31st day of December of the year for which it is issued, and lapses at that time. Any engineer who fails to re-

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new his certificate will not be allowed to continue in charge of a steam plant.

Every Certificate holder who intends to renew his Certificate should register with the Board not later than the first day of December of each years on a form which will be supplied. A Certificate holder who has not registered by the first day of February next ensuing will be granted a renewal only on the payment of a fee of five dollars.

On receipt of Certificate the Engineer to whom it was granted must sign same in ink in the space provided for that purpose on the margin of the Certificate, and must at all times keep his Certificate exposed to view in the engine or boiler room where he is employed.

As to Fees.

Every Engineer who is the holder of a Certificate of qualification from any other Province of the Dominion of Canada, shall, upon presenting the same to the Board for verification, and who furnishes satisfactory evidence as to character and sobriety, together with the prescribed fee ($1.00), be granted a permit to take charge of a stationary steam plant in the Province of Ontario for one year only from the date of issue, when it will be necessary for the applicant to try the prescribed examination in order to obtain a certificate entitling him to take charge of a steam plant coming within the provisions of the Act respecting Stationary Engineers in the Province of Ontario.

As to Fees.

The fee for examination (including Certificate if granted) is three dollars;

The fee for renewing a Certificate is one dollar;

The fee for renewing a Certificate where the holder has failed to register by the first day of February, is five dollars.

The fee for issuing a duplicate Certificate is one dollar;

The fee for issuing a Permit is one dollar.

As to Cancellation of Certificates.

Certificates are subject to cancellation:—

(a) If the holder is habitually intemperate or addicted to the use of drugs;

(b) If he becomes insane or physically incapacitated;

(c) If he has proved incompetent or grossly negligent in the discharge of his duties;

(d) If he has obtained his Certificate through misrepresentation or fraud;

(e) If he allows another to operate under his Certificate.

In case a Certificate is lost, stolen or destroyed, a duplicate will be issued on presentation to the Board of a statutory declaration, or other satisfactory proof, setting forth the facts

Inspectors of Factories are empowered to assist in the enforcement of the Act respecting Stationary Engineers.

Notice.—It is necessary for a Certificate holder to at once notify the Secretary of the Board of any change in his permanent address.

Stationary Engineers' Board,
Department of Agriculture,
Toronto, Ont.

HOW TO OBTAIN CERTIFICATES AND INFORMATION FOR STATIONARY ENGINEERS.

All engineers' Certificates issued by this Board are of one grade only, and if a candidate be successful in passing the examination, he will be granted a Certificate, valid for one year dating from January 1st of the year in which it is issued; this Certificate to be renewed the first of each succeeding year in accordance with the notification sent to each certificate holder by the Board.

Persons undergoing a written examination are examined as to their knowledge of the construction, care and operation of steam boilers and engines, also a certain list of practical questions. Any candidate, through lack of education, may be allowed to secure the services of a person (not an engineer) who will write answers to questions or interpret only, as instructed by the candidate. In case it is impossible to secure such a person, the examiner will write the answers for the candidate, or select someone to do so.

For the guidance of those who may desire to present themselves for examination for Certificates as Engineers, the following information is given regarding the subjects of examination. The questions, as has already been stated, are almost entirely practical in character and may be divided as follows:—

(a) Questions relating to the origin of steam and its uses.

(b) Questions relating to the different kinds and manner of constructing boilers to generate steam, including the strength of material used in making boilers, and the proper proportion in sizes and thickness of materials to be used, together with proper areas of grate, etc.

(c) Questions regarding the different kinds of safety valves for controlling the pressure in steam boilers and other necessary fittings.

(d) Questions regarding the proper methods of raising and maintaining steam in boilers and the care necessary to keep them in good order, and when repairs are necessary, the method of making such repairs.

(e) Questions regarding the kind, construction and operation of the different appliances used to feed and supply boilers with water during operation.

(f) Questions regarding the different kinds of engines used in developing power, including their construction and the methods of calculating their capacity and the proper methods of caring for and operating such engines.

The questions are made as clear and concise as possible, and every effort has been made to make the questions cover such practical knowledge as should be possessed by every engineer charged with the care and operation of steam boilers and engines.

Candidates desiring theoretical information regarding the operation of steam plants may obtain same by studying any recognized text book on the boiler and steam engine.

All candidate must show in the application form for examination that they have had at least one year's practical experience with steam plants, together with such other experience as they may have had with allied trades, and must produce testimonials as to workshop time, and also as to service as engineers or firemen, such testimonials to be signed by their employer in the case of shop time, and by the employer or chief engineer in the case of engineer's or fireman's time; testimonials as to workshop time must testify to the candidate's conduct and ability, and state what kind of work he was engaged on, and for how long; testimonials as to service must testify to the applicant's sobriety,

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experience, ability and general good conduct for at least twelve months preceding the date of application to be examined.

Candidates will be notified of the date set for their examination, and they must appear at the examination room punctually at the time appointed.

No person will be allowed in the examination rooms during the examinations, other than those whose duties require them to be present.

All Stationary Steam Plants with return tubular boilers having dimensions 48 inches by 12 feet, and carrying a pressure of over 20 pounds, come within the meaning of the Stationary Engineers' Act, and must be operated by an engineer holding a Certificate from this Board.

Any information given the Board regarding the violation of the provisions of this Act will be treated as strictly confidential. It is absolutely necessary, however, that the person giving this information to the Board, give the name and address of the engineer violating the Act, as well as the name of the firm employing him, and that he has ascertained that the information is correct before he submits it to the Board.

The HON. J. S. DUFF,
Minister of Agriculture,
Toronto, Ont.

Stationary Engineers' Board—
W. C. McGHIE, Chairman.
WM. CORRIGAN.
CHAS. MOSELEY.

An Act for the Protection of Persons Employed in the Construction of Buildings

His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as "The Building Trades Protection Act."

2. In this Act

(a) "Building" shall include any structure roofed in or intended to be roofed in, and capable when completed of affording protection and shelter.

(b) "Inspector" shall mean an inspector appointed by a municipal council or by the Lieutenant-Governor in Council for the purpose of enforcing the provisions of this Act.

3. The council, of every city, town, township and village shall, by By-law, appoint a sufficient number of competent persons to be inspectors for the purpose of enforcing the provisions of this Act in the municipality.

4. The Lieutenant-Governor in Council may appoint inspectors to enforce this Act in territory without municipal organization.

5. (1) Where any inspector appointed under this Act find that any provision of this Act is being violated in the case of any building, he may give such orders in writing as may, in his opinion, be required to secure due compliance with such provision, and upon any such order being made and until the same is carried out, the work upon that part of the building in which the default occurs shall be suspended.

(2) Every person to whom the order of the inspector is directed who disobeys or who knowingly permits any person under his direction and control to disobey any such order or to carry on work in violation of subsection 1 before the order is carried out shall incur a penalty not exceeding $50 for every day upon which such default occurs.

6. In the erection, alteration, repair, improvement or demolition of any building, no scaffolding, hoists, stays, ladders, flooring or other mechanical and temporary contrivances shall be used which are unsafe, unsuitable or improper, or which are not so constructed, protected, placed and operated as to afford reasonable safety from accident to persons employed or engaged upon the building.

7. The following regulations shall be complied with in the erection, alteration, repair, improvement or demolition of every building:—

(1) The floors of all scaffolding, whether standing or suspended from overhead, shall be at least four feet wide, and there shall be a railing or guard not less than three feet, nor more than four feet, from the flooring on the outside of the saffolding for the protection of persons working thereon.

(2) Where the scaffolding or staging is swung or suspended from an overhead support, it shall be so secured as to prevent its swaying to and fro.

(3) Where poles are used in scaffolding the poles shall be securely lashed at every point of contact, and where square timber is used in scaffolding the same shall be securely spiked or bolted at every point of contact.

(4) No lumber or timber shall be hoisted in a single sling.

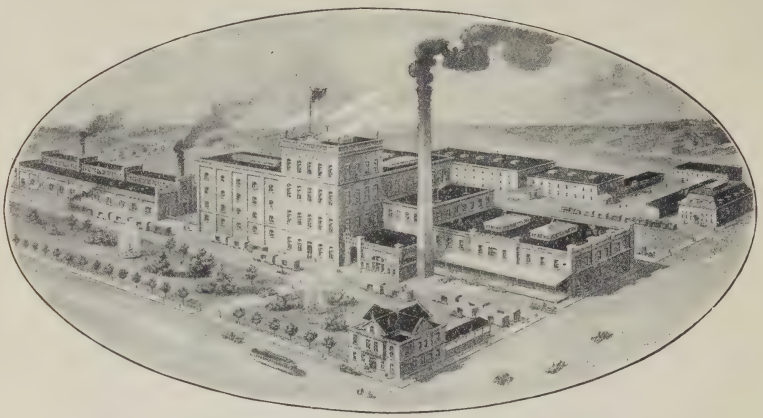
(5) Where hoists are used for raising materials for use in buildings, the shafts or openings shall be protected at each floor by a barrier not less than three feet nor more than four feet from the level of the floor, and the barrier shall be placed not less than two feet from the edge of the shaft or opening in which the hoist is operated.

8. (1) Where the plans and specifications require the floors to be arched between the beams thereof, or where the floors or filling in between the floors are of fireproof material, the flooring or filling in shall be completed as the building progresses to not less than within three tiers of beams below that on which the iron work is being erected.

(2) Where the plans and specifications do not require filling in between the beams of floors with fireproof material or brick work, the contractor for the carpenter work, in the course of construction, shall lay the under flooring of the building on each storey as the building progresses to not less than within two storeys below the one to which the building has been erected.

(3) Where double floors are not to be used, such contractor shall keep planked over the floor two

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storeys below the story where the work is being performed.

(4) If the floor beams are of iron or steel, the contractor for the iron or steel work of a building in course of construction, or the owner of such a building, shall throughly plank over the entire tier of iron or steel beams on which the structural iron or steel work is being erected, except such spaces as may be reasonably required for the proper construction of such iron or steel work and for the raising or lowering of materials to be used in the construction of such building, and such spaces as may be designated by the plans and specifications for stairways and elevator shafts.

9. In the case of what are known as skeleton steel frame buildings, complance with the following regulations shall be sufficient, and it shall not be necessary to comply with the requirements of section 8:—

(1) As soon as the steel frame of a building is erected to the first column splice above the first floor level, a flooring of two-inch planking shall be laid over floor beams on the floor immediately below the first column splice, making a temporary floor over that part of the area of the building inside columns at that level, except in places where it is necessary to have openings for the passage of material for building above that point. When erection has reached a point level with the next column splice, the planking used as temporary floor at first column splice shall be removed and placed as before at second splice, and so on to the top of the building.

(2) A double flooring of two-inch planking shall be laid down immediately under any derrick for a sufficient space about the derrick to protect workmen on the floors below that on which the derrick is working, and to hold with safety the materials hoisted by the derrick.

(3) Rivetters' staging shall be so constructed as to secure the reasonable safety of the rivetters and a temporary floor must be provided on the girders and floor beams immediately below the portion of the floor upon which the rivetters are working, sufficient for the protection of workmen engaged below that floor.

(4) The steel work may be carried on in advance of the construction of permanent floors.

10. In cities and towns the following regulations shall be complied with in erecting, altering, or repairing any building:—

(1) When the work is located on the line of any street or within three feet of the inside line of the sidewalk of any street, before any of the work above the sidewalk or footway is commenced, there shall be erected over the sidewalk or footway of the street a covered passageway or independent structure not less than eight feet high at the lowest side above the level of the sidewalk or footway, and of sufficient strength to protect the public using the sidewalk or fooway.

(2) If a building is to be erected within seven feet of the inside line of the sidewalk on any street, a strongly constructed close-boarded fence or barricade, not less than six feet high, shall be erected along the inside line of such sidewalk.

(3) No person shall place any stone, brick, lumber, or any building material, fence barricade, or temporary sidewalk so as to obstruct the free passage of water in the drains, gutters or water courses; and the roofs of all covered ways shall be kept clear of any material whatever.

11. Nothing in this Act shall affect any by-law relating to the matters mentioned herein lawfully passed by a municipal council, or the authority of a municipal council to pass any such by-law, so far as such by-law imposes additional or more stringent requirements than those imposed by this Act.

12. The Ontario Summary Convictions Act shall apply to every prosecution under this Act.

13. Sections 7, 8 and 9 of this Act shall not apply to any dwelling house not more than two stories in height nor to any work being done upon a building by the owner or occupant thereof in person.

An Act respecting Councils of Conciliation and of Arbitration for Settling Industrial Disputes

His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as "The Trade Disputes Act." R.S.O. 1897, c. 158, s. 1.

2. In this Act,

(a) "Employer" shall mean and include any person or body of persons, incorporated or unincorporated, employing not less than ten workmen in the business in which the trade dispute has arisen;

(b) "Employees" shall mean and include a person or persons in the employment of an employer. R.S.O. 1897, c. 158, s. 2.

3. (1) A claim or dispute under this Act shall include any disagreement between an employer and his employees in respect of:—

(a) The price to be paid for work done, or in course of being done, whether such disagreement shall have arisen with respect to wages, or to the hours or times of working;

(b) Damage alleged to have been done to work, delay in finishing the same, not finishing the same in a good and workmanlike manner or according to agreement;

(c) Materials supplied to employees and alleged to be bad, or unfit, or unsuitable;

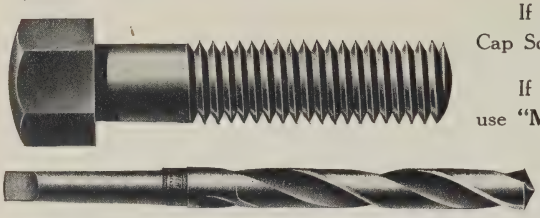
(d) The price to be paid for mining any mineral or substance mined, or obtained by mining, hewing, quarrying or other process; or the allowances, if any, to be made for bands, refuse, faults, or other causes whereby the mining of the mineral substance is impeded;

(e) The performance or non-performance of any stipulation or matter alleged to have been in an agreement, whether in writing or not;

(f) Insufficient or unwholesome food supplied to employees where there is an agreement to victual them, or to supply them with provisions or stores of any kind;

(g) Ill-ventilated or dangerous workings or places in mines, or unwholesome or insanitary rooms or

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other places of accommodation, in which work is being performed, or want of necessary conveniences in connection with such rooms or places;

(h) The dismissal or employment under agreement of employees, or,

(i) The dismissal of employees for their connection with any trade or labor organization.

(2) No claim or dispute shall be the subject of conciliation or arbitration in any case in which the employees affected by such claim or dispute shall be fewer in number than ten. R.S.O. 1897, c. 158, s. 3.

4. (1) The Lieutenant-Governor in Council may appoint a Registrar of Councils of Conciliation and of Arbitration for the settlement of industrial disputes.

(2) Such office shall be assigned to some person performing other duties in the public service, unless and until the duties are so onerous as to require a separate appointment.

(3) It shall be the duty of the Registrar to receive and register, and, subject to the provisions of this Act, to deal with all applications by employers or employees for reference to a Council of Conciliation, or to the Council of Arbitration, of any claim or dispute within the meaning of this Act; to convene such councils for the purpose of dealing with any claim or dispute, to keep a register in which shall be entered the particulars of all references and settlements of claims and disputes made to and by a Council of Conciliation, and of all references and awards made to and by the Council of Arbitration; and generally to do all such things and take all such proceedings as may be required in the performance of his duties under this Act or the regulations made in pursuance thereof.

(4) The Registrar shall issue all summonses, Form 15, to witnesses to attend to give evidence, with or without the production of papers and documents, and shall issue all notices and perform all other acts in connection with the sittings of each such Council in the prescribed manner. R.S.O. 1897, c. 158, s. 4.

(5) If any difficulty shall arise between any employer and his employees, likely to result, or resulting, in a strike on the part of such employees, or a lockout on the part of the employer, it shall be the duty of the Registrar, when requested in writing to do so by five or more of the employees, or by the employer, or by the head of the municipality in which the industry is situated, to visit the place of such disturbance and diligently seek to mediate between the employer and employees.

(6) It shall be the duty of the Registrar to promote conditions favorable to a settlement by endeavoring to allay distrust, to remove causes of friction, to promote good feeling, to restore confidence, and to encourage the parties to come together and themselves effect a settlement, and also to promote agreements between employers and employees with a view to the submission of differences to conciliation or arbitration, before resorting to a strike or lockout. 2 Edw. VII., c. 22, s. 1.

Council of Conciliation.

5. (1) A Council of Conciliation for the purpose of any dispute or claim shall consist of four conciliators, two to be nominated by each of the parties to the dispute.

(2) The nomination shall be by writing lodged with the Registrar.

(3) Either party may lodge the nomination papers with the Registrar at any time after the dispute has arisen; and if the Registrar has not already received a nomination of two conciliators on behalf of the other party, he shall give notice to such other party of the nomination which he has received.

(4) Any vacancy in a Council of Conciliation arising through the death, resignation, or otherwise, of any member thereof, shall be filled in the same way as the appointment was first made, namely, on the nomination of the party whose conciliator has ceased to be a member of the Council. R.S.O. 1897, c. 158, s. 5.

Procedure for Conciliation.

6. A claim or dispute within the meaning of this Act may be referred for settlement to a Council of Conciliation where:—

(a) The parties to the claim or dispute jointly agree in the prescribed manner, Form 2, to refer such claim or dispute for settlement to a Council of Conciliation, or,

(b) Either party to the claim or dispute in the prescribed manner, lodges an application, Form 3, with the Registrar requesting that the claim or dispute be referred for settlement to a Council of Conciliation. R.S.O. 1897, c. 158, s. 6.

7. The Registrar, on receipt of any such agreement or application for a reference to a Council of Conciliation, shall forthwith lay the same before the Council; and, subject to the provisions of this Act and the regulations, shall carry out all directions of the said Council given in the endeavor of the Council to effect a settlement of the claim or dispute. R.S.O. 1897, c. 158, s. 7.

8. Either party to the claim or dispute may, for the purposes of this Act, be represented by one or more persons, not exceeding three, authorized by such party as managers in that behalf; and such party shall be bound by the acts of such managers. R.S.O. 1897, c. 158, s. 8.

9. Where the party numbers fewer than twenty, the managers must be authorized in writing, Form 4, signed by the members of the party to act for and on their behalf. R.S.O. 1897, c. 158, s. 9.

10. (1) Where the party numbers twenty or more, the managers may be appointed or elected in such manner as the members of the party think proper.

(2) A copy of the resolution electing the managers, together with a declaration by the chairman or president of the meeting stating it to have been carried, shall be kept as a record of the election. R.S.O. 1897, c. 158, s. 10.

11. (1) The parties to the claim or dispute shall, if possible, agree to a joint written statement of their case; but if they do not so agree, a statement in writing from each party shall be made.

(2) The statement or statements shall be forwarded to the Registrar before the meeting of the Council. R.S.O. 1897, c. 158, s. 11.

12. When the parties to a claim or dispute have named their conciliators, the Registrar shall by notice in writing, Form 5, convene a meeting of the conciliators at a time and place mentioned in the notice, the same being selected with due regard to the general convenience of the conciliators and the parties. R.S.O. 1897, c. 158, s. 12.

13. (1) The Council shall transmit to the Registrar a report, Forms 6 and 7, setting forth the result of the reference.

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(2) In case such report is to the effect that the Council has failed to bring about any settlement or adjustment of the claim or dispute, the Registrar, on the receipt of the report, shall transmit a certified copy to each party to the claim or dispute; whereupon either party may, by notice in writing, Forms 8 and 9, require the Registrar to refer the claim or dispute to the Council of Arbitration for settlement, Form 10. R.S.O. 1897, c. 158, s. 13.

The Councils of Arbitration.

14.—(1) There shall be two Councils of Arbitration,

(a) A Council of Arbitration for the settlement by award in respect of claims and disputes between railway companies, including street railway companies, and wage earners employed in respect of railway construction or traffic on railways; and

(b) A Council of Arbitration in respect of other claims and disputes.

(2) Each Council shall consist of three members, one to be appointed by the Lieutenant-Governor on the recommendation of the employees, and one to be appointed by him on the recommendation of the employer.

(3) The third member of each Council shall be the president of the Council, and shall be appointed in manner following, namely: The two members appointed shall within twenty-one days after their appointment submit, Form 1, to the Lieutenant-Governor the name of some impartial person to be appointed by him to the position of president.

(4) In case of the said two members failing so to do, the Lieutenant-Governor may appoint as president an impartial person not personally connected with or interested in any trade or industry, or, in the judgment of the Lieutenant-Governor, likely, by reason of his former occupation, business vocation or other influence, to be biassed in favor of or against employers or employees.

(5) The same person may be president of both Councils.

(6) As soon as practicable after a full Council has been appointed by the Lieutenant-Governor, notice of the appointment and the names of the members of the Council shall be published by the Registrar in the Ontario Gazette.

(7) The Lieutenant-Governor may cancel the appointment of any member on the recommendation of the authority by which his appointment was recommended.

(8) The term of office of a member shall be two years; and at the end of every term of two years, a fresh appointment of members shall be made in manner aforesaid.

(9) Every member after the expiry or other termination of his term of office shall be eligible for reappointment for a like term.

(10) If the president of a Council shall be declared a bankrupt or insolvent, or shall make a composition with his creditors, or shall make an assignment of his property or salary for the benefit of his creditors, or if any member of either Council shall be convicted of any criminal offence, such president or member respectively shall thereby vacate his office of member.

(11) Any vacancy in a Council arising from death, resignation or other cause, shall be filled by the Lieutenant-Governor for the term of office, or the residue of such term (as the case may be), in accordance with the respective methods prescribed by this Act.

(12) In case the president of a Council is unable to act as such from illness, absence from the Province, or other temporary cause, the Lieutenant-Governor may appoint a person to be acting president of the Council in his place; and such acting president shall have all the powers and perform all the duties conferred by this Act upon the president.

(13) If any member of a Council other than the president shall, from illness of from any other disability howsoever arising, be unable to perform the duties of his office in respect to any claim or dispute then pending, the parties thereto may consent, in writing under their respective hands, to the appointment, by the Lieutenant-Governor, of a member named in such writing to act for and in the place of the member during such disability; and if either of the parties refuse such consent, then the Judge of the County or District Court of the county or district in which the matter is situate with respect to which the claim or dispute has arisen may, on notice to the parties of the application to him, make the nomination; and the Lieutenant-Governor may appoint the person so nominated, who shall thereupon be deemed a member of such Council for all the purposes relating to such claim or dispute, and to the hearing and determination thereof.

(14) Where a dispute has been referred to either Council of Arbitration the members of the Council of Conciliation may with the consent in writing Form 13, of both parties to the claim or dispute, sit as assessors upon the reference to the Council of Arbitration: Provided always that no such assessor shall take any part in the reference except as an assessor sitting to inform the Council of Arbitration when called upon to do so.

(15) The members of each Council of Arbitration shall be remunerated for their services in such manner and according to such rate of payment as the Lieutenant-Governor in Council shall appoint but subject to legislative provision being made therefor. R.S.O. 1897, c. 158, s. 14.

15. The following may be the method of ascertaining the recommendation of employer and employees as to the persons to be appointed on their recommendation respectively as members of the Councils of Arbitration:—

(a) For the person to be recommended by the employer every employer in Ontario shall be entitled to one vote; every organization in Ontario, whether incorporated or unincorporated, representing the interests of employers, each member of which has at least ten persons in his employ, shall be entitled to one vote;

(b) Every Board of Trade in Ontario legally constituted shall be entitled to one vote for a representative of the employer in each Council;

(c) For the person to be recommended by employees as a member of the Council in matters not relating to railway companies, every trades and labor council, every district assembly of the Knights of Labor, every federated council of building trades, every lawfully incorporated trades union, every organization of wage-earners of an industrial calling primarily constituted for, and actually and bona fide operated for the regulation of the wages and hours of labor as between employers and employed, shall be entitled to one vote; but this shall not be deemed to include co-operative associations or

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societies formed under The Revised Statutes respecting Co-operative Associations;

(d) For choosing the person to be recommended by employees of railway companies as a member of the Council in matters relating to railways, every organization in Ontario, whether incorporated or unincorporated, exclusively representing the interest of wage-earners employed in respect of railway construction or traffic on railways shall be entitled to one vote; but this shall not be deemed to include co-operative associations or societies;

(e) The Registrar shall give notice in the Ontario Gazette calling on all organizations and persons entitled to vote for a member to be recommended to either Council, or claiming to be so entitled, to communicate with him on or before the first day of August, 1910, and the same day of every second year thereafter. Such notice is to be inserted for at least four weeks before the said day in each of the said years;

(f) The Registrar shall forthwith, after such first day of August, prepare a list of the persons and organizations appearing to be entitled to vote for a person to be recommended for appointment to each of the said Councils respectively, and may refer any doubtful claim to the Minister of Agriculture for his advice or direction;

(g) Each list so to be prepared shall give the last known post office address of every person and organization entitled to vote as employers and employees respectively for the said Councils respectively, and shall be published in the Ontario Gazette, and shall be open to inspection at any time by any person without fee, in the office of the Registrar during office hours;

(h) Between the 1st and 30th days of September, 1910, and between the same days of every second year thereafter, the Registrar shall transmit by registered post to the address of each person and organization entitled to vote, a voting paper, Form 16.

(i) The voting paper of any person entitled to vote under this Act as an employer shall be signed by himself or some person duly authorized in writing in that behalf, and the voting paper of any organization entitled to vote shall be signed by the president or vice-president of the organization, or, in the absence of such president or vice-president, by any office bearer of the organization other than the secretary thereof, and shall be countersigned by the secretary or acting secretary, or, in the absence of such secretary or acting secretary, by any two members not being office bearers. The voting papers of a Board of Trade shall be under the corporate seal of the Board;

(j) The voting paper shall be forwarded in a stamped envelope, addressed to the Registrar of Councils of Conciliation and Arbitration, Toronto, and endorsed, "Voting paper under The Trades Disputes Act";

(k) Every voting paper shall be forwarded by mail or otherwise to the Registrar so as to be received by him on or before the 15th day of October of the year in which the voting is to be held, and any voting paper received by the Registrar after the said date shall have no effect or validity;

(l) The Registrar shall forthwith after the said 15th day of October, count the recommendations as well by or on behalf of employees, as by or on behalf of employers for each Council, and shall forward the same to the Minister of Agriculture, together with the Registrar's report thereon; and the Minister of Agriculture, upon being satised of the accuracy of such report, shall publish in the Ontario Gazette the result of such recommendations, and the names of the persons appointed by the Lieutenant-Governor upon such recommendations to be members of the Councils of Arbitration; and also the names of, and number of votes given for the five persons who have received the greater number of votes for each Council on behalf of employers and employees respectively;

(m) In case either employers or employees, or both, fail to recommend any person to represent them on either or both the Councils, as provided for in this section, the Lieutenant-Governor in Council may appoint a person or persons to fill the vacancy or vacancies. R.S.O. 1897, c. 158, s. 15.

Procedure for Arbitration.

16. (1) Any dispute of claim within the meaning of this Act may be referred to the appropriate Council of Arbitration for its hearing and determination in any of the following cases:—

(a) On application, Form 9, to the Registrar by either party to a claim or dispute which, having been referred to a Council of Conciliation, has not been settled or adjusted by such Council;

(b) On application, Form 8, to the Registrar by both parties to a claim or dispute, which has not been so referred to a Council of Conciliation.

Provided that if in either case the award of the Council of Arbitration is not complied with or carried out by the parties, or for any reason proves abortive, the parties to the reference, or either of them, shall not thereby be precluded from referring the dispute to a Council of Conciliation or from making a second reference to the Council of Conciliation where a former reference has already been made to it.

(2) If in case of a claim or dispute within the meaning of this Act, one party has lodged an application with the Registrar requesting that the dispute or claim be referred to a Council of Conciliation, and appointing two conciliators for the purpose, and notice of the application and of the appointment of conciliators has been duly given to the other party, and such other party has not within a reasonable period appointed conciliators, and the party lodging the application has not proceeded to a strike or lock-out, as the case may be, the Council of Arbitration, if it thinks fit, may proceed as in case of an abortive reference to a Council of Conciliation, and such Council may report their decision, as to the proper settlement of the dispute in question, and also in case the Council thinks proper, a concise statement as to the origin of the dispute, and the causes inducing the same, and what parties, if any, are in the opinion of the Council mainly responsible for the same;

(3) The Mayor of any city or town upon being notied that a strike or lock-out is threatened, or has actually occurred within the municipality, shall at once notify the Registrar thereof by writing, stating the name of the employer, the nature of the dispute, and the number of employees involved, as far as his information will enable him so to do;

(4) It shall be the duty of each of the Councils of Arbitration, upon being notified, or on being

THE HON. ALBERT EDWARD KEMP, M.P., President of the Sheet Metal Products Company of Canada, Limited, Gerrard and River Streets, Toronto, was born at Clarenceville, Que., Aug. 11, 1858. He came to Toronto over a quarter of a century ago, and during this time has been a leader in promoting measures and projects for the advancement of the City of Toronto, as well as being a liberal contributor to charitable and philanthropic institutions. He is an ex-president of the Canadian Manufacturers' Association and the Toronto Board of Trade, and one of Toronto's largest employers of labor. He was elected to represent East Toronto in the House of Commons in 1900, being re-elected in 1904, and again in 1911 he was elected to represent his home constituency, and upon the formation of the Cabinet was selected as one of the Ministers by Premier Borden. Clubs: — Toronto (Toronto), Rideau (Ottawa), Manitoba (Winnipeg). Residence, "Castle Frank," Rosedale.



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MR. A. C. MACDONELL, D.C.L., K.C., M.P., was born at Toronto, June 23, 1861. He was educated at private schools and the Toronto Model School; D.C.L. of the University of Toronto. As senior member of the law firm of Macdonell & Boland, 2 Toronto Street, he has always enjoyed a big practice. He was elected to the House of Commons in 1904 as representative of South Toronto, being re-elected in 1908 and 1911. He has always been conspicuous in parliament as an advocate of measures for the amelioration of the working classes. He is a member of the Albany Club, Toronto Club, Toronto Hunt Club, Royal Canadian Yacht Club and Rideau Club, Ottawa. He is a member of the Roman Catholic Church, an ardent booster of the City of Toronto, and resides at 419 Dundas Street, Toronto.

A. C. Macdonell, D.C.L., K.C., M.P.

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otherwise made aware, that a strike or lock-out has occurred or is threatened, to place itself, as soon as practicable, in communication with the parties concerned, and to endeavor by mediation to effect an amicable settlement, and if the judgment of the Council it is deemed best to enquire into the cause or causes of the controversy, it shall proceed as in the case of a reference. R.S.O. 1897, c. 158, s. 16.

17. In every case referred to a Council of Arbitration, or in which the Council has determined to act under the preceding section of this Act, the Council shall have power to require either or each party to the claim or dispute to name not more than three persons, who, upon their consent in writing, Form 14, shall for all purposes of the reference be taken to represent such party. R.S.O. 1897, c. 158, s. 17.

18. (1) The Council shall sit and conduct its proceedings as in open court, and in making its decisions shall be governed by the principles of equity and good conscience.

(2) The president shall for the purpose of preserving order during any sitting of the Council have all the powers of a Judge of the High Court except the power of committing for contempt. R.S.O. 1897, c. 158, s. 18.

19. Any two members of the Council of Arbitration shall constitute a quorum for the transaction of business, and may hold meetings at any time and at any place within Ontario. R.S.O. 1897, c. 158, s. 19.

20. The Council of Arbitration may order that an examination or investigation shall be held before any one member of the Council, but such member shall report upon such examination or investigation to the Council, and the decision of such member shall not be considered binding until approved by the Council or a majority thereof. R.S.O. 1897, c. 158, s. 20.

21. (1) The report or award, Form 11, of the Council of Arbitration, shall be made within one month after the Council has completed its sittings for the hearing of the reference, and shall be by, and under the hands of, a majority of the members of the Council.

(2) At the request of either party and if the Council approve, a copy of the report or award shall be published by the Registrar in The Ontario Gazette.

(3) The report or award, or a copy certified under the hand of the President of the Council, shall be deposited in the office of the Registrar, and shall be open to inspection without charge during office hours. R.S.O. 1897, c. 158, s. 21.

22. (1) Either party to a reference to either Council of Arbitration at any time before award made, may by writing under the hands of such party, Form 12, agree to be bound by the award of the Council upon the reference in the same manner as parties are bound upon an award made pursuant to an ordinary submission in writing to arbitration under the Arbitration Act.

(2) Every such agreement made by one party shall be communicated by the Registrar to the other party, and if such other party also agrees in like manner to be bound, then the award may, on the application of either party, be enforced in the same manner as an award on an ordinary submission in writing to arbitration may be enforced under the said Act. R.S.O. 1897, c. 158, s. 22.

Miscellaneous Provisions.

23. The Councils of Conciliation and Arbitration shall have power—

(a) To visit the locality where the trade dispute has arisen and to hear all persons interested who may come before them;

(b) To summon, Form 15, any person to attend as a witness before the Council, and in the case of any person so summoned refusing to attend after payment or tender of his proper fees, application may be made in a summary way to a Justice of the Peace having jurisdiction in the city, town or county wherein the Council may be sitting for an order compelling such attendance; and such Justice of the Peace is hereby empowered to make such an order as might be made in any case wherein such Justice has power to compel appearance before him in pursuance of The Ontario Summary Convictions Act, and

(c) To administer an oath to any person attending as a witness before the Council and to examine any such person on oath or affirmation. R.S.O. 1897, c. 158, s. 23.

24. No party to any proceeding either before a Council of Conciliation of a Council of Arbitration shall be represented by counsel or solicitor or by any paid agent other than one or more of the persons between whom the claim or dispute has arisen. R.S.O. 1897, c. 158, s. 24.

25. No fees shall be paid to the Registrar by any party in respect of any proceeding under this Act. R.S.O. 1897, c. 158, s. 25.

26. Every member of a Council of Conciliation while engaged in adjustment of any dispute shall be remunerated for his services as follows:—

Preliminary meetings	$3
Whole-day sittings	$4
Half-day sittings	$2

out of any funds which may be appropriated by the Legislature for that purpose. R.S.O. 1897, c. 158, s. 26.

27. Witnesses shall be entitled to the same fees as in a Division Court. R.S.O. 1897, c. 158, s. 27.

28. (1) The Lieutenant-Governor may make regulations for the purpose of giving effect to any of the provisions or requirements of this Act, and all such regulations not being inconsistent with this Act shall have the full effect of law on publication in the Ontario Gazette.

(2) Such regulations shall be laid before the Assembly within fourteen days after being published in the Ontario Gazette if the Legislature is in session; and if it is not in session, then such regulations shall be laid before the Assembly within fourteen days from the date of the first day of the ensuing session of the Legislature. R.S.O. 1897, c. 158, s. 28.

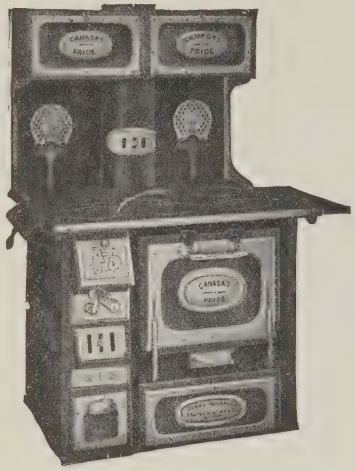
29. No proceeding under this Act shall be deemed invalid by reason of any defect of form, or any technical irregularity. R.S.O. 1897, c. 158, s. 30.

30. Chapter 158 of the Revised Statutes 1897, and all amendments thereto are repealed.

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An Act Respecting Wages

His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as "The Wages Act."

2. In this Act, "Wages" shall mean and include wages and salary whether the employment in respect of which the same is payable is by time or by the job or piece or otherwise. R.S.O. 1897, c. 156, s. 1.

3. Where an assignment is made for the general benefit of creditors of any real or personal property the assignee shall pay, in priority to the claims of the ordinary or general creditors of the assignor, the wages of all persons in the employment of the assignor at the time of the making of the assignment, or within one month before the making thereof, not exceeding three months' wages, and such persons shall rank as ordinary or general creditors for the residue, if any, of their claims. R.S.O. 1897, c. 156, s. 2.

(As to wages in case of winding up a company see The Ontario Companies Act, 7 Edw. VII., c. 34. ss. 178 and 196.)

4. All persons who, at the time of the seizure by the sheriff, or who within one month previous thereto have been in the employment of the execution debtor, and who shall become entitled to share in the distribution of money levied out of the property of a debtor within the meaning of The Creditors' Relief Act, shall be entitled to be paid out of such money the wages due to them by the debtor, not exceeding three months' wages, in priority to the claims of the other creditors of the debtor, and shall be entitled to share pro rata with such other creditors as to the residue, if any, of their claims. R.S.O. 1897, c. 156, s. 5.

5. All persons in the employment of an absconding debtor at the time of a seizure by the sheriff under The Absconding Debtors Act, or within one month previous thereto, shall be entitled to be paid by the sheriff, out of any moneys realized out of the property of the debtor, the wages due to them by the debtor, not exceeding three months' wages, in priority to the claims of the other creditors of the debtor, and shall be entitled to share pro rata with such other creditors as to the residue, if any, of their claims. R.S.O. 1897, c. 156, s. 5.

6. In the administration of the estate of any person dying on or after the 13th day of April, 1897, any person in the employment of the deceased at the time of his death, or within one month previous thereto, who is entitled to share in the distribution of the estate, shall be entitled to his wages not exceeding three months' thereof in priority to the claims of the ordinary or general creditors of the deceased, and such person shall be entitled to rank as an ordinary or general creditor of the deceased for the residue, if any, of his claim. R.S.O. 1897, c. 156, s. 6.

7.—(1) No debt due or accruing due to a mechanic, workman, labourer, servant, clerk, or employee, for or in respect of his wages, shall be liable to seizure or attachment, unless such debt exceeds the sum of $25, and then only to the extent of such excess. R.S.O. 1897, c. 156, s. 7.

(2) Nothing in this section shall apply to any case where the debt has been contracted for board or lodging, and in the opinion of the judge before whom the matter is brought the exemption of $25 is not necessary for the support and maintenance of the debtor's family, or where the debtor is an unmarried person, having no family depending on him for support, and the debt was contracted on or after the 23rd day of March 1889. R.S.O. 1897, c. 60, s. 181.

8.—(1) Wages in respect of which priority is herein conferred shall become due and be payable by the assignee, liquidator, sheriff, executor, administrator or other person charged with the duty of winding up or distributing the estate within one month from the time when the estate has been received by him or placed under his control, unless it appears to him that the estate is not of sufficient value to pay the claims or charges thereon having by law priority over claims for wages and the ordinary expenses and disbursements of winding up and distributing the estate.

(2) Ordinary expenses shall not include the cost of litigation or other unusual expenses concerning the estate or any part thereof unless the same were incurred with the consent in writing of the person entitled to the wages, or are afterwards adopted or ratified by him in writing.

(3) Any such assignee, liquidator, sheriff, executor, administrator or other person may forthwith, upon such estate coming to his hands, pay the prior claims for wages without being chargeable in case it shall in the end appear that the estate was insufficient to have justified such payment, provided he has acted in good faith and has reasonable grounds to believe that the estate would prove sufficient.

(4) Any number of claimants in respect of such prior claims for wages upon the same estate may join in any action, suit or other proceeding for the enforcement of their claims. 62 V. (2), c. 17, s. 1.

(As to wages payable to employees of contractors for public works, see Rev. Stat. Cap. 155.)

9. Chapter 156 of the Revised Statutes, 1897, and all amendments thereto are repealed.

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The Prevention of Industrial Accidents by the Safeguarding of Dangerous Machinery

The desirability of preventing accidents no one will questions. Putting aside the humanitarian aspect of the matter which must appeal to every lover of his kind, the financial loss alone due to accidents is so great as to warrant the most complete precautions for their prevention. In the year 1908 the large sum of $22,392,072 was paid in premiums to insurance companies for liability insurance.

The prevention of accidents absolutely is of course impossible. But much more can be done to prevent accidents than at first sight appears.

The following significant statement appears in a booklet published by the American Institute of Social Service: "It is not enough that we pay accident insurance, or that some provision is made for the bereaved family; suffering and bereavement have no money equivalents. Prevention is better than compensation or charity. We commend the common sense of those who build a fence at the top of the precipice even more than we admire the philanthropy of those who keep an ambulance at the bottom."

As there is no tabulated information available regarding the causes of accidents in Canada or the United States, it is to Germany that we must turn for exact information regarding the causes of accidents. From statistics collected there in connection with Workmen's Compensation insurance, it appears that the greater number of accidents, 57.95 per cent., are due to the negligence of employers or employees, and the smaller number, 42.05 per cent., to the inevitable risks of employment. The causes of accidents are stated as follows:—

Inevitable risk	42.05 per cent.
Want of skill and carelessness	20.25 per cent.
Want of guards	7.82 per cent.
Deficient factory arrangements	7.15 per cent.
Acting against rules	5.44 per cent.
Superior force, casualty, etc.	1.31 per cent.
Carelessness	1.91 per cent.

Physical Surroundings.—Not only the safety of workmen, but the maximum output of the plant, are promoted by making the physical surroundings of the workmen as comfortable as possible. Plenty of light, good air, safety, and comfort pay in a financial sense.

Insufficient Lighting.—Statistics show that the greatest number of accidents occur during the months of diminishing light. Dirty windows and insufficient artificial illumination often make conditions much worse than they need be.

Great improvement in illumination may be had by whitewashing the walls of a dark room at least once a year. This also saves much on the cost of artificial illumination.

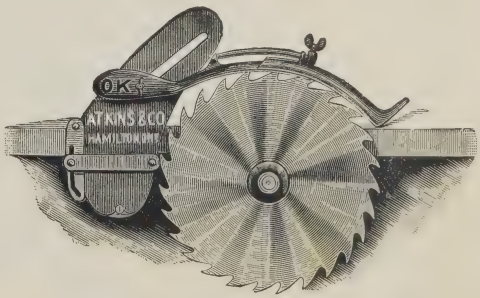
Overcrowding of Machinery.—Considerations of economy often lead to the overcrowding of machinery, that is, too many machines are placed in a given space. The width of the passageways between the machines is thus reduced to the point of danger. Any undue curtailment of space interferes with the proper handling of the machines and adds to the risk and probability of accident, owing to the operator being exposed to contact with gears, pulleys, belts, and other moving parts, for even where guards are provided in fullest measure, it is rarely possible to eliminate absolutely all danger. Space should not be held of more value than safety.

Slippery Floors.—Slippery floors constitute an element of danger, especially in conjunction with unguarded machinery. And even where a slippery floor is not in proximity to an unguarded machine, it may yet cause a bad fall, resulting in serious injuries. This is likely to be the case where workmen are engaged in carrying heavy material.

Failure to Use Safeguards Provided.—Very often workmen will object to the use of safeguards provided, claiming that they interfere with quantity of output and so cut down their earnings. This is likely to be the case particularly with piece-work. But the exercise of a little ingenuity, however, the guard may often be adopted to perform its function and yet not interfere with the speed of the work. No guard should be condemned simply because the workmen at the outset object to its use. Rather this should lead to further study of the matter and modification of the guard to suit the conditions.

Overwork.—Fatigue leads to carelessness, and long hours of labor without rest are responsible for many accidents. Overworking workmen should be avoided wherever possible.

Ventilation.—A continuous supply of pure air is no doubt of greater importance from the standpoint of maintenance of health than it is from the standpoint of prevention of accident, but the two are related. Whatever lowers the vitality of the workman, decreases his alertness and watchfulness to avoid accident. Impure air, gases, vapors, dust, and smoke therefore all increase the chances of accident, in addition to imperiling the health of workmen.



A Safety Saw Guard.
Above guard manufactured by E. C. Atkins & Co., Limited, Hamilton, Ont.

Circular Saws.—The dangers incident to the use of circular saws are too well known to require description. When practicable, they should never be operated without a guard.

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Safety Devices.—Nothing, of course, is a complete substitute for alertness and watchfulness in operating dangerous machinery, nevertheless there are numerous safety devices that are efficient aids in the prevention of accidents. The expense of many of these devices is but trifling in comparison with the security they afford. And even where the expense is considerable, they will, as a rule, be found to pay for themselves in the long run.

Elevators.—A careful determination of the lifting capacity of every elevator should be made. A sign, preferably of metal, on which has been printed plainly the maximum number of pounds that the elevator can carry safely, should then be posted in a conspicuous position in the car.

In determining the maximum load that the elevator can carry safely, it should be borne in mind that the weight of the car itself must be included in the load that is sustained by the frame, and that the unbalanced weight of the car must be included in the load that is sustained by the lifting cables.

The speed of a passenger elevator should never exceed 400 feet per minute, and that speed-Governor safety-device be set to operate at a speed not to exceed 600 feet per minute, and generally it is better not to run the car at a speed in excess of 350 feet per minute, setting the speed-governor at 500 feet.

Guarding the Machinery.—All shafting and pulleys less than seven (7) feet above the floor should be securely fenced. Housings of sheet-metal, iron grille work, wire netting, or wood, or railings of pipe or wood, may be used for this purpose. If it is impracticable to fence certain pulleys, their arms should be covered with a disk of sheet-metal or wood fastened thereto with screws or wire. The use of inverted U or V-shaped sheet-metal shields, extending for a length of fifteen (15) inches on each side of shaft bearings requiring attention when the shafting is in motion, is recommended. Even perfectly smooth shafting is highly dangerous when in motion, and no one should ever be allowed to come into contact with it when it is in motion.

Press Guards.—Stamping press guards can now be obtained at small cost and when installed it is impossible for it to trip until the hands of the operators are clear of the dies.

Emery Wheels and Grindstones.—Emery wheels and fast-running grindstones should be enclosed by a substantial guard, fastened to the wheel-base and of sufficient size and strength to withstand the shock of the flying parts of a bursting wheel. The fact should be recognized, of course, that an emery wheel may be broken or caused to burst from improper use, as for instance, excessive pressure or blows when grinding a tool, as well as from excessive speed.

Inspections and Rules.—All machines should be carefully inspected regularly, to make sure that they are in good order, and any worn or broken part should be immediately replaced or repaired. The use of broken or defective machinery should be forbidden, and its use after repairs should not be resumed until the superintendent or foreman has pronounced it to be in a safe condition.

First Aid in Accidents.—First aid in accidents involves a principle that has led the triumphant progress of modern surgery. The greatest danger to wounds from accidents is due to contamination with foreign substances, not always visible, but far-reaching in effect. It has been established that in recent wars, by the prompt application of first aid, fatalities were reduced to the lowest ratio in the history of warfare.

First aid cabinets and charts are almost an absolute necessity in every factory where a considerable number of persons are employed. As indicated in another part of this report, in some States and Provinces it is a statutory enactment that first aid cabinets be provided. These appliances, established as they are on such a high sense of humanity, should require nothing more than an opportunity to establish them in every place where an accident is possible.

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The works are provided with modern sanitary equipment which provides in every way for the health, cleanliness and physical well-being of all International Harvester Company employees. The common drinking cup has been abolished. Water that is proved to be pure is supplied at all the Works. A plentiful supply of light and fresh air is provided in every place where men or women work. Cases of sickness or accident are taken care of in their own first aid hospital where everything necessary is done by the Company's physician and nurse to take care of the sick or injured until their regular physician can take charge of the case.

CANADIAN WORKS:

Chatham, Ont. Hamilton, Ont. Paris, Ont.

This is the New Workmen's Compensation Act as presented to the Ontario Legislature by Chief Justice Sir William Meredith.

An Act to Provide for Compensation to Workmen for Injuries Sustained and Industrial Diseases Contracted in the Course of Their Employment.

His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Preliminary.

1. This Act may be cited as The Workmen's Compensation Act.

2.—(1) In this Act:—

(a) "Accident" shall include a wilful and an intentional act, not being the act of the workman and a fortuitous event occasioned by a physical or natural cause;

(b) "Accident Fund" shall mean the fund provided for the payment of compensation under this Act;

(c) "Board" shall mean Workmen's Compensation Board;

(d) "Construction" shall include re-construction, repair, alteration and demolition;

(e) "Dependants" shall mean such of the members of the family of a workman as were wholly or partly dependant upon his earnings at the time of his death, or who but for the incapacity due to the accident would have been so dependant;

(f) "Employer" shall include every person having in his service under a contract of hiring or apprenticeship, written or oral, express or implied, any person engaged in any work in or about any establishment, undertaking, business or employment, and where the services of a workman are temporarily let or hired to another person by the person with whom the workman has entered into such a contract the latter shall be deemed to continue to be the employer of the workman whilst he is working for that other person;

(g) "Employment" shall include employment in any part, branch or department of an establishment, undertaking or business;

(h) "Industrial disease" shall mean any of the diseases mentioned in Schedule 3, and any other disease which by the Regulations is declared to be an industrial disease;

(i) "Industry" shall include establishment, undertaking, trade and business;

(j) "Invalid" shall mean physically or mentally incapable of earning;

(k) "Manufacturing" shall include making, preparing, altering, repairing, ornamenting, printing, finishing, packing, assembling the parts of and adapting for use or sale any article or commodity;

(l) "Medical Referee" shall mean medical referee appointed by the Board;

(m) "Member of the Family" shall mean and include wife, husband, father, mother, grandfather, grandmother, stepfather, stepmother, son, daughter, grandson, granddaughter, stepson, stepdaughter, brother, sister, half-brother and half-sister, and a person standing in loco parentis to the workman, whether related to him by consanguinity or not so related, and where the workman is the parent or grandparent of an illegitimate child, shall include such child, and where the workman is an illegitimate child shall include his parents and grandparents;

(n) "Outworker" shall mean a person to whom articles or materials are given out to be made up, cleaned, washed, altered, ornamented, finished, repaired, or adapted for sale in his own home or on other premises not under the control or management of the person who gave out the articles or materials;

(o) "Regulations" shall mean regulations made by the Board under the authority of this Act;

(p) "Workman" shall include a person who has entered into or works under a contract of service or apprenticeship, written or oral, express or implied, whether by way of manual labor, clerical work, or otherwise, but shall not include an out-worker.

(2) Words in the singular number interpreted by subsection 1 shall have a corresponding meaning when used in the plural.

(3) The exercise and performance of the powers and duties of:—

(a) a municipal corporation;

(b) a public utilities commission;

(c) any other commission having the management and conduct of any work or service owned by or operated for a municipal corporation;

(d) the board of trustees of a police village; and

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(e) a school board,

shall for the purposes of this Act be deemed as the trade or business of the corporation, commission, board of trustees or school board.

PART I.

Compensation.

3.—(1) Where in any employment, personal injury by accident arising out of and in the course of the employment is caused to a workman, his employer shall be liable to provide or to pay compensation in the manner and to the extent hereinafter mentioned except where the injury:—

(a) does not disable the workman for the period of at least seven days from earning full wages at the work at which he was employed;

(b) is attributable solely to the serious and wilful misconduct of the workman unless the injury results in death or serious disablement.

(2) Where the accident arose out of the employment, unless the contrary is shown, it shall be presumed that it occurred in the course of the employment, and where the accident occurred in the course of the employment, unless the contrary is shown, it shall be presumed that it arose out of the employment.

(3) Where compensation for disability is payable it shall be computed and be payable from the date of the disability.

(4) This section shall not apply to a person whose employment is of a casual nature and who is employed otherwise than for the purposes of the employer's trade or business

4. Employers in the industries mentioned in Schedule 2 shall be liable individually to pay the compensation.

5. Employers in industries for the time being embraced in Schedule 1, shall be liable to contribute to the accident fund as hereinarter provided, but shall not be liable individually to pay the compensation.

6.—(1) Where the place or chief place of business of an employer is situate in Ontario and an accident happens while the workman is employed elsewhere than in Ontario which would entitle him or his dependants to compensation under this Part if it had happened in Ontario, the workman and his dependants shall be entitled to compensation under this Part if the usual place of employment of the workman is in Ontario and his employment out of Ontario has lasted less than six months.

(2) Except as provided by subsection 1 no compensation shall be payable under this Part where the accident to the workman happens out of Ontario unless it happens on a steamboat, ship or vessel, or on a railway, and the nature of the employment is such that in the course of the work or service which the workman performs it is required to be performed both within and without Ontario.

7.—(1) Where by the law of the country or place in which the accident happens the workman or his dependants are entitled to compensation in respect of it they shall be bound within three months after the happening of the accident, or in case it results in death, within three months after the death to elect whether they will claim compensation under the law of such country or place or under this Part and to give notice of such election, and if such election is not made and notice given it shall be presumed that they have elected not to claim compensation under this Part.

(2) Notice of the election, where the compensation under this Part is payable by the employer individually, shall be given to the employer, and where the compensation is payable out of the accident fund to the Board and shall be given in both cases within three months after the happening of the accident.

8.—(1) Where a dependant is not a resident of Ontario he shall not be entitled to compensation unless by the law of the place or country in which he resides the dependants of a workman to whom an accident happens in such place or country if resident in Ontario would be entitled to compensation, and where such dependants would be entitled to compensation under such law the compensation to which the non-resident dependant shall be entitled under this Part shall not be greater than the compensation payable in the like case under that law.

(2) Notwithstanding the provisions of subsection 1 the Board may make such allowance in lieu of compensation to any such non-resident dependant as may be deemed proper and may pay the same out of the accident fund.

9.—(1) Where an accident happens to a workman in the course of his employment under such circumstances as entitle him or his dependants to an action against some person other than his employer the workman or his dependants if entitled to compensation under this Part may claim such compensation or may bring such action.

(2) If an action is brought and less is recovered and collected than the amount of compensation to which the workman or his dependants are entitled under this Part the difference between the amount recovered and collected and the amount of such compensation shall be payable as compensation to such workman or his dependants.

(3) If the workman or his dependants elect to claim compensation under this Part the employer, if he is individually liable to pay it, and the Board, if the compensation is payable out of the accident fund, shall be subrogated to the rights of the workman or his dependants and may maintain an action in his or their names against the person against whom the action lies and any sum recovered from him by the Board shall form part of the accident fund.

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(4) The election shall be made and notice of it shall be given within the time and in the manner provided by subsection 2 of section 7.

10.—(1) Where the compensation is payable by the employer individually and a person, in this section referred to as the principal, in the course of or for the purposes of his trade or business contracts with any other person, in this section referred to as the contractor, for the execution by or under the contractor of the whole or any part of any work undertaken by the principal, the principal shall be liable to pay to any workman employed in the execution of the work the compensation which he would have been liable to pay if that workman had been immediately employed by him.

(2) Where compensation is claimed from the principal in this Part reference to the principal shall be substituted for reference to the employer, except that the amount of the compensation shall be calculated with reference to the earnings of the workman under the employer by whom he is immediately employed.

(3) Where the principal is liable to pay compensation under this section he shall be entitled to be indemnified by any person who would have been liable to pay compensation to the workman independently of this section, and all questions as to the right to and the amount of any such indemnity shall be determined by the Board.

(4) Nothing in this section shall prevent a workman claiming compensation under this Part from the contractor instead of the principal.

(5) This section shall not apply where the accident happens elsewhere than on or in or about premises on which the principal has undertaken to execute the work or which are otherwise under his control or management.

11. Where compensation is payable out of the accident fund, a member of the family of an employer shall not be entitled to compensation unless he was at the time of the accident carried on the pay roll of the employer and his wages were included in the then last statement furnished to the Board under section 76 nor for the purpose of determining the compensation shall his earnings be taken to be more than the amount of his wages, as shown by such pay roll and statement.

12. Where compensation is payable out of the accident fund an employer who is carried on his pay-roll at a salary or wages which the Board deems reasonable shall if such salary or wages were included in the then last statement furnished to the Board under section 76 be deemed to be a workman within the meaning of this Act, and shall be entitled to compensation accordingly, but for the purpose of determining the compensation his earnings shall not be taken to be more than the amount of his salary or wages as shown by such pay-roll and statement.

13. No action shall lie for the recovery of the compensation, whether it is payable by the employer individually or out of the accident fund, but all claims for compensation shall be heard and determined by the Board.

14. If a workman receiving a weekly or other periodical payment ceases to reside in Ontario he shall not thereafter be entitled to receive any such payment unless a medical referee certifies that the incapacity resulting from the injury is likely to be of a permanent nature, and if a medical referee so certifies, the workman shall be entitled quarterly to the amount of the weekly or other periodical payment accruing due if he proves in such manner as may be prescribed by the Regulations his identity and the continuance of the incapacity in respect of which the same is payable.

15. The right to compensation provided for by this Part shall be in lieu of all rights and rights of action, statutory or otherwise, to which a workman or his dependants are or may be entitled against the employer of such workman for or by reason of any accident which happens to him while in the employment of such employer, and after the ..... day of ....., 191 , and no action in respect thereof shall thereafter lie.

16. It shall not be competent for a workman to agree with his employer to waive or to forego any of the benefits to which he or his dependants are or may become entitled under this Part, and every agreement to that end shall be absolutely void.

17.—(1) Where the compensation is payable by an employer individually no agreement between a workman or dependant and the employer for fixing the amount of the compensation, or by which the workman or dependant accepts or agrees to accept a stipulated sum in lieu or in satisfaction of it shall be binding on the workman or dependant unless it is approved by the Board.

(2) Subsection 1 shall not apply to compensation for temporary disability lasting for less than four weeks.

18.—(1) It shall not be lawful for an employer, either directly or indirectly, to deduct from the wages of any of his workmen any part of any sum which the employer is or may become liable to pay to the workman as compensation under this Part or to require or to permit any of his workmen to contribute in any manner towards indemnifying the employer against any liability which he has incurred or may incur under this Part.

(2) Every person who contravenes any of the provisions of subsection 1 shall for every such contravention incur a penalty not exceeding $50, and shall also be liable to repay to the workman any sum which has been so deducted from his wages, or

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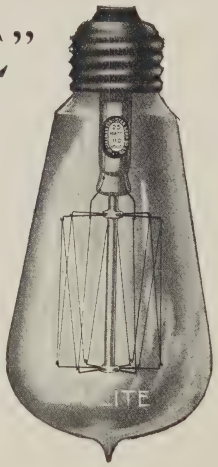
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which he has been required or permitted to pay in contravention of subsection 1.

19. Unless with the approval of the Board, no sum payable as compensation or by way of commutation of any weekly or other periodical payment in respect of it shall be capable of being assigned, charged or attached, nor shall it pass by operation of law except to a personal representative nor shall any claim be set off against it.

20.—(1) Subject to subsection 5 compensation shall not be payable unless notice of the accident is given as soon as practicable after the happening of it and before the workman has voluntarily left the employment in which he was injured, and unless the claim for compensation is made within six months from the happening of the accident, or in case of death within six months from the time of death.

(2) The notice shall give the name and address of the workman and shall be sufficient if it states in ordinary language the cause of the injury and where the accident happened.

(3) The notice may be served by delivering it at or sending it by registered post addressed to the place of business or the residence of the employer, or where the employer is a body of persons, corporate or unincorporate, by delivering it at or sending it by registered post addressed to the employer at the office or if there are more offices than one at any of the offices of such body of persons.

(4) Where the compensation is payable out of the accident fund the notice shall also be given to the Board by delivering it to or at the office of the Secretary or by sending it to him by registered post addressed to his office.

(5) Failure to give the prescribed notice or any defect or inaccuracy in a notice shall not bar the right to compensation if in the opinion of the Board the employer was not prejudiced thereby, or where the compensation is payable out of the accident fund if the Board is of opinion that the claim for compensation is a just one and ought to be allowed.

21.—(1) A workman who claims compensation, or to whom compensation is payable under this Part shall, if so required by his employer, submit himself for examination by a duly qualified medical practitioner provided and paid for by the employer, and shall if so required by the Board submit himself for examination by a medical referee.

(2) A workman shall not be required at the request of his employer to submit himself for examination otherwise than in accordance with the Regulations.

22.—(1) Where a workman has upon the request of his employer submitted himself for examination, or has been examined by a duly qualified medical practitioner selected by himself, and a copy of the report of the medical practitioner as to the workman's condition has been furnished in the former case by the employer to the workman, and in the latter case by the workman to the employer the Board may, on application of either of them, refer the matter to a medical referee.

(2) The medical referee to whom a reference is made under the next preceding subsection, or who has examined the workman by the direction of the Board under subsection 1 of section 21, shall certify to the Board as to the condition of the workman and his fitness for employment, specifying, where necessary, the kind of employment, and his certificate shall be conclusive as to the matters certified.

(3) If a workman does not submit himself for examination when required to do so as provided by subsection 1 of section 21, or on being required to do so does not submit himself for examination to a medical referee under that subsection or under subsection 1 of this section, or in any way obstructs any examination, his right to compensation or if he is in receipt of a weekly or other periodical payment his right to it shall be suspended until such examination has taken place.

23. Any weekly or other periodical payment to a workman may be reviewed at the request of the employer or of the workman, if the compensation is payable by the employer individually, or, if the compensation is payable out of the accident fund, of the Board's own motion or at the request of the workman and on such review the Board may put an end to or diminish or may increase such payment to a sum not beyond the maximum hereinafter prescribed.

24. Where the workman was at the date of the accident under twenty-one years of age and the review takes place more than six months after the accident, the amount of a weekly payment may be increased to any sum not exceeding .... per cent. of the weekly sum which if he had remained uninjured he would probably have been earning at the date of the review.

25.—(1) Where the compensation is payable by an employer individually, the employer may, with the consent of the workman or dependant to whom it is payable, and with the approval of the Board, but not otherwise, and where it is payable out of the accident fund the Board may commute the weekly or other periodical payments payable to a workman or a dependant for a lump sum.

(2) Where the lump sum is payable by the employer individually it shall be paid to the Board.

(3) The lump sum may be:—

(a) applied in such manner as the workman or dependant may direct;

(b) paid to the workman or dependant;

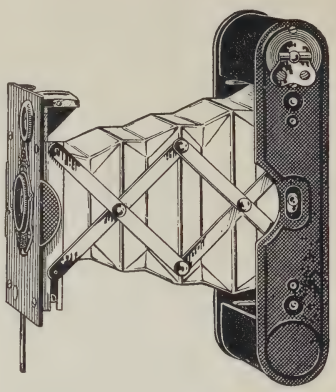
(c) invested by the Board and applied to meet the future payments as they become due;

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(d) paid to trustees to be used and employed upon and subject to such trusts and for the benefit of such persons as, in case it is payable by the employer individually, the workman or dependant directs and the Board approves, or, if payable out of the accident fund, as may be desired by the workman or dependant and approved by the Board;

(e) applied partly in one and partly in another or other of the modes mentioned in clauses (a), (b), (c), and (d),

as the Board may determine.

26.—(1) Where a weekly or other periodical payment is payable by the employer individually and has been continued for not less than six months, the Board may on the application of the employer allow the liability therefor, to be commuted by the payment of a lump sum of such an amount as, if the incapacity is permanent, would purchase an immediate annuity from a life insurance company approved by the Board, equal to seventy-five per cent. of the annual value of the weekly or other periodical payment, and in other cases of such an amount as the Board may deem reasonable.

(2) The sum for which a payment may be commuted under subsection 1, shall be paid to the Board and shall be dealt with in the manner provided by section 25.

27.—(1) Where an employer insured by a contract of insurance of an insurance company or any other underwriter is individually liable to make a weekly or other periodical payment to a workman or his dependants and the payment has continued for more than six months the liability shall, if the Board so directs before the expiration of twelve months from the commencement of the incapacity of the workman or his death, if the accident resulted in death, be commuted by the payment of a lump sum in accordance with the next preceding section, and the company or underwriter shall pay the lump sum to the Board, and it shall be dealt with in the manner provided by section 25.

(2) This section shall not apply to a contract of insurance entered into before the passing of this Act.

28. The Board may require an employer who is individually liable to pay the compensation to pay to the Board a sum sufficient to commute in accordance with section 26, any weekly or other periodical payments which are payable to the workman during his life or to his widow during her widowhood, and such sum shall be applied by the Board in the payment of such weekly or other periodical payments as they from time to time become payable, but if the sum paid to the Board is insufficient to meet the whole of such weekly or other periodical payments the employer shall nevertheless be liable to make such of them as fall due after the sum paid to the Board is exhausted.

29. The Board may require an employer who is individually liable to pay the compensation to insure his workmen and keep them insured against accidents in respect of which he may become liable to pay compensation in a company approved by the Board for such amount as the Board may direct, and in default of his doing so the Board may cause them to be so insured and may recover the expense incurred in so doing from the employer.

30.—(1) Where an employer who is individually liable to pay the compensation is insured against his liability to pay compensation, the Board may require the insurance company or other underwriter to pay the sum which under the contract of insurance such company or underwriter would be liable to pay to the employer in respect of an accident to a workman who becomes or whose dependants become entitled to compensation under this Part, directly to the Board in discharge or in discharge pro tanto of the compensation to which such workman or his dependants are found to be entitled.

(2) In any case to which subsection 1 applies where a claim for compensation is made notice of the claim shall be given to the insurance company or other underwriter and to the employer and the Board shall determine not only the question of the right of the workman or dependant to compensation but also the question whether the whole or any part of it should be paid directly by the insurance company or other underwriter as provided by subsection 1.

(3) Section 25 shall apply to the compensation payable to the Board under subsection 1.

31.—(1) Where the accident causes permanent disability, either total or partial, or the death of the workman, and the compensation is payable by the employer individually the Board may require the employer to pay to the Board such sum as in its opinion will be sufficient with the interest thereon, if invested so as to earn interest at the rate of 5 per cent. per annum to meet the future payments to be made to the workman or his dependants, and such sum, when paid to the Board, shall be invested by it and shall form a fund to meet such future payments.

(2) The Board, instead of requiring the employer to make the payment provided for by subsection 1, may require him to give such security as the Board may deem sufficient for the future payments.

32. Where a right to compensation is suspended under the provisions of this Part no compensation shall be payable in respect of the period of suspension.

Scale of Compensation.

33.—(1) Where death results from an injury, the amount of compensation shall be:—

(a) The necessary expenses of the burial of the workman not exceeding $75.



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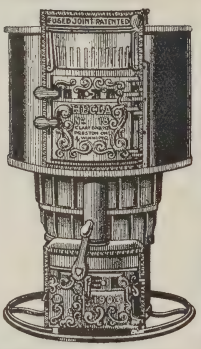
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(b) Where the widow or an invalid husband is the sole dependant a monthly payment of $20.

(c) Where the dependants are a widow or an invalid husband and one or more children, a monthly payment of $20, with an additional monthly payment of $5 for each child under the age of 16 years, not exceeding in the whole $40.

(d) Where the dependants are children a monthly payment of $10 to each child under the age of 16 years, not exceeding in the whole, $40.

(e) Where the workman was under the age of 21 years, and the dependants are his parents or one of them, a monthly payment of $20, ceasing when the workman would have attained the age of 21 years.

(f) Where the sole dependants are persons other than those mentioned in the foregoing clauses a sum reasonable and proportionate to the pecuniary loss to such dependants occasioned by the death, to be determined by the Board, but not exceeding in the whole $40 per month.

(2) Where permanent total disability results from the injury the amount of the compensation shall be a weekly payment during the life of the workman equal to .. per cent. of his average weekly earnings during the previous twelve months if he has been so long employed, but if not then for any less period during which he has been in the employment of his employer.

(3) In the case provided for by clause (f) of subsection 1, the payments shall continue only so long as in the opinion of the Board it might reasonably have been expected had the workman lived he would have continued to contribute to the support of the dependants.

34.—(1) If a dependant widow marries, the monthly payments to her shall cease, but she shall be entitled in lieu of them to a lump sum equal to the monthly payments for two years and such lump sum shall be payable within one month after the date of her marriage.

(2) Subsection 1 shall not apply to payments to a widow in respect of a child.

35. Where a workman leaves no dependants such sum as the Board may deem reasonable for the expenses of his medical attendance and of his burial shall be paid to the persons to whom such expenses are due.

36. Where the disability is partial or temporary the compensation shall be a weekly payment of a sum proportionate to the impairment of the earning capacity of the workman not exceeding in any case .. per cent. of his average weekly earnings ascertained in the manner provided by section 39, and the compensation shall be payable while the disability lasts.

37. The compensation payable as provided by subsection 1 of section 33, shall not in any case exceed .. per cent. of the average monthly earnings of the workman calculated in the manner provided by section 39, and if the compensation payable under that subsection would in any case exceed that percentage it shall be reduced accordingly, and where several persons are entitled to monthly payments the payments shall be reduced proportionately.

38. A monthly payment in respect of a child shall cease when the child attains the age of 16 years.

39.—(1) Average earnings shall be computed in such a manner as is best calculated to give the rate per week or month at which the workman was remunerated.

(2) Where owing to the shortness of the time during which the workman was in the employment of his employer or the casual nature of his employment or the terms of it, it is impracticable to compute the rate of remuneration as of the date of the accident, regard may be had to the average weekly or monthly amount which during the twelve months previous to the accident was being earned by a person in the same grade employed at the same work by the same employer, or if there is no person so employed then by a person in the same grade employed in the same class of employment and in the same locality.

(3) Where the workman has entered into concurrent contracts of service with two or more employers under which he worked at one time for one of them and at another time for another of them, his average earnings shall be computed as if his earnings under all such contracts were earnings in the employment of the employer for whom he was working at the time of the accident.

(4) Employment by the same employer shall mean employment by the same employer in the grade in which the workman was employed at the time of the accident uninterrupted by absence from work due to illness or any other unavoidable cause.

(5) Where the employer was accustomed to pay the workman a sum to cover any special expenses entailed on him by the nature of his employment that sum shall not be reckoned as part of his earnings.

40. In fixing the amount of a weekly or monthly payment regard shall be had to any payment, allowance or benefit which the workman may receive from his employer during the period of his incapacity, including any pension, gratuity or other allowance provided wholly at the expense of the employer.

41. The amount of the weekly payment in the case of partial incapacity shall in no case exceed the difference between the average weekly earnings of the workman before the accident and the average

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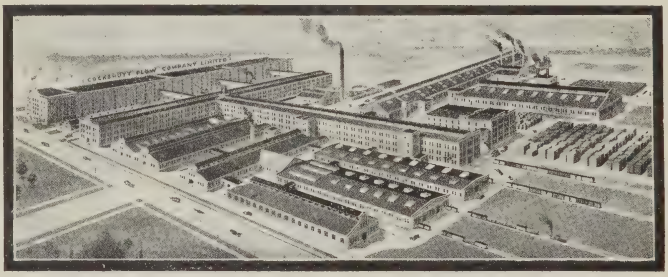
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weekly amount which he is earning or is able to earn in some suitable employment or business after the accident but shall bear such relation to the amount of that difference as under the circumstances appears just.

42. Where there are both total and partial dependants the compensation may be allotted partly to the total and partly to the partial dependants.

43. Where the Board is of opinion that for any reason it is necessary or desirable that a payment in respect of a child should not be made directly to its parent, or where a dependant child has no parent or guardian, the Board may direct that the payment be made to such person or be applied in such manner as the Board may deem best for the advantage of the child.

The Workmen's Compensation Board.

44. There is hereby constituted a Commission for the administration of this Part to be called "The Workmen's Compensation Board," which shall consist of three members to be appointed by the Lieutenant-Governor in Council and shall be a body corporate.

45. One of the Commissioners shall be appointed by the Lieutenant-Governor in Council to be the Chairman of the Board, and he shall hold that office while he remains a member of the Board and another of the Commissioners shall be appointed by the Lieutenant-Governor in Council Vice-Chairman of the Board.

46. In the absence of the Chairman or in case of his inability to act, or if there is a vacancy in the office, the Vice-chairman may act as and shall have all the powers of the Chairman.

47. Where the Vice-Chairman appears to have acted for or instead of the Chairman it shall be conclusively presumed that he so acted for one of the reasons mentioned in the next preceding subsection.

48. Each Commissioner shall, subject to section 49, hold office during good behaviour for a period of ten years, but may be removed at any time for cause.

49. Unless otherwise directed by the Lieutenant-Governor in Council a Commissioner shall cease to hold office when he attains the age of 75 years.

50. A Commissioner, if not disqualified by age, shall be eligible for re-appointment.

51. Each of the Commissioners shall devote the whole of his time to the performance of his duties under this Part.

52. The salary of the Chairman shall be $..... per annum, and the salary of each of the other Commissioners shall be $.... per annum.

53. The presence of two Commissioners shall be necessary to constitute a quorum of the Board.

54. A vacancy in the Board shall not, if there remain two members of it, impair the authority of such two members to act.

55. The Board shall have the like powers as the Supreme Court for compelling the attendance of witnesses and of examining them under oath, and compelling the production of books, papers, documents and things.

56.—(1) A Commissioner shall not directly or indirectly:—

(a) have, purchase, take or become interested in any industry, to which this Part applies or any bond, debenture or other security of the person owning or carrying it on;

(b) be the holder of shares, bonds, debentures or other securities of any company which carries on the business of employers' liability or accident insurance;

(c) have any interest in any device, machine, appliance, patented process or article which may be required or used for the prevention of accidents.

(2) If any such industry, or interest therein, or any such share, bond, debenture, security, or thing comes to or becomes vested in a Commissioner by will or by operation of law and he does not within three months thereafter sell and absolutely dispose of it he shall cease to hold office.

57. The offices of the Board shall be situated in the city of Toronto, and its sittings shall be held there, except where it is expedient to hold sittings elsewhere, and in that case sittings may be held in any part of Ontario.

58. The Commissioners shall sit at such times and conduct their proceedings in such manner as they may deem most convenient for the proper discharge and speedy despatch of business.

59.—(1) The Board shall appoint a Secretary and a Chief Medical Officer, and may appoint such auditors, actuaries, accountants, inspectors, medical referees, clerks and servants as the Board may deem necessary for carying out the provisions of this Part, and may prescribe their duties and, subject to the approval of the Lieutenant-Governor in Council, may fix their salaries.

(2) Every person so appointed shall hold office during the pleasure of the Board.

60.—(1) The Board shall have exclusive jurisdiction to examine into, hear and determine all matters and questions arising under this Part and the action or decision of the Board thereon shall be final and conclusive, and shall not be open to question or review in any court, and no proceedings by or before the Board shall be restrained by injunction, prohibition or other process or proceeding in any court or be removable by certiorari or otherwise into any court.

(2) Nothing in subsection 1 shall prevent the Board from reconsidering any matter which has

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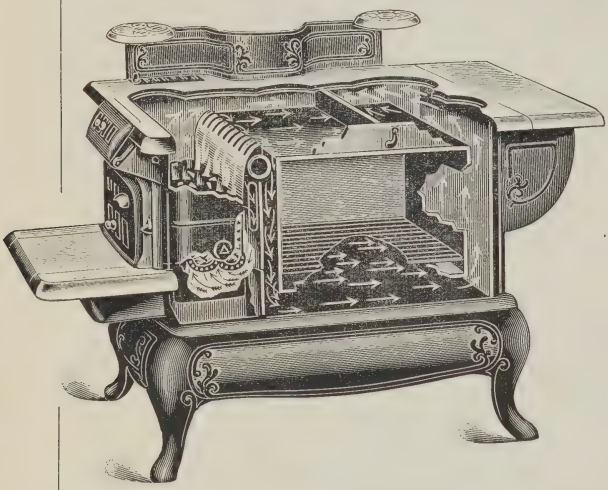
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been dealt with by it or from rescinding, altering or amending any decision or order previously made, all which the Board shall have authority to do.

61. The Board may award such sum as it may deem reasonable to the successful party to a contested claim for compensation or to any other contested matter as compensation for the expenses he has been put to by reason of or incidental to the contest and an order of the Board for the payment by an employer of any sum so awarded when filed in the manner provided by section 63 shall become a judgment of the Court in which it is filed and may be enforced accordingly.

62. The Board may act upon the report of any of its officers and any enquiry which it shall be deemed necessary to make may be made by any one of the Commissioners or by an officer of the Board or some other person appointed to make the enquiry, and the Board may act upon his report as to the result of the inquiry.

63. An order of the Board for the payment of compensation by an employer who is individually liable to pay the compensation or any other order of the Board for the payment of money made under the authority of this Part, or a copy of any such order certified by the Secretary to be a true copy may be filed with the clerk of any county or district court and when so filed shall become an order of that court and may be enforced as a judgment of the court.

64.—(1) The Board may make such Regulations as may be deemed expedient for carrying out the provisions of this Part and a certified copy of every regulation so made shall be transmitted forthwith to the Provincial Secretary and any regulation may within one month after it has been received by the Provincial Secretary be disallowed by the Lieutenant-Governor in Council.

(2) After the period for disallowance has expired every regulation which has not been disallowed shall become effective and shall be forthwith published in the Ontario Gazette.

(3) Every person who contravenes any such regulation after it has become effective or any rule of an association formed as provided by section 97, which has been approved and ratified as provided by that section shall for every contravention incur a penalty not exceeding $50.

65. The accounts of the Board shall be audited by the Provincial Auditor or by an auditor appointed by the Lieutenant-Governor in Council for that purpose and the salary or remuneration of the last mentioned auditor shall be paid by the Board.

66.—(1) The Board shall on or before the day of in each year make a report to the Lieutenant-Governor of its transactions during the next preceding calendar year and such report shall contain such particulars as the Lieutenant-Governor in Council may prescribe.

(2) Every such report shall be forthwith laid before the Assembly if the Assembly is then in session and if it is not then in session within fifteen days after the opening of the next session.

67. The Superintendent of Insurance or an officer of his Department named by him for that purpose shall once in each year and oftener if so required by the Lieutenant-Governor in Council examine into the affairs and business of the Board for the purpose of determining as to the sufficiency of the accident fund and shall report thereon to the Lieutenant-Governor in Council.

Contribution by the Province.

68. To assist in defraying the expenses incurred in the administration of this Part there shall be paid to the Board out of the Consolidated Revenue Fund such annual sum not exceeding $ as the Lieutenant-Governor in Council may direct and such sum shall be payable in equal quarterly sums on the first day of each quarter commencing on the day of 19 .

Accident Fund.

69.—(1) An accident fund shall be provided by contributions to be made in the manner hereinafter provided, by the employers in the classes or groups of industries, for the time being embraced in Schedule 1, and compensation payable in respect of accidents which happen in any industry, embraced in any of such classes or groups, shall be payable and shall be paid out of the accident fund.

(2) Notwithstanding the generality of the description of the classes mentioned in Schedule 1 none of the industries embraced in Schedule 2 shall form part of or be deemed to be included in any of such classes, unless it is added to Schedule 1 by the Board under the authority conferred by this Part.

70. It shall be the duty of the Board at all times to maintain the accident fund so that with the reserves it shall be sufficient to meet all the payments to be made out of the fund in respect of compensation as they become payable and so as not unduly or unfairly to burden the employers in any class in future years with payments which are to be made in those years in respect of accidents which have previously happened.

71. If any trade or business connected with the industries of:—

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dule 2, is not embraced in any of the classes mentioned in Schedule 1, the Board shall assign it to an appropriate class or form an additional class or classes embracing the trades or businesses not so embraced, and until that is done such trades and businesses shall together constitute a separate group or class and shall be deemed to be included in Schedule 1.

72.—(1) The Board shall have jurisdiction and authority to:—

(a) re-arrange any of the classes for the time being embraced in Schedule 1, and withdraw from any class any industry embraced in it and transfer it wholly or partly to any other class or form it into a separate class;

(b) establish other classes embracing any of the industries which are mentioned in Schedule 2, or are not embraced in any of the classes in Schedule 1;

(c) add to any of the classes mentioned in Schedule 1, any industry which is not embraced in any of such classes.

(2) Where in the opinion of the Board the hazard to workmen in any of the industries embraced in a class is less than that in another or others of such industries, or where for any other reason it is deemed proper to do so, the Board may sub-divide the class into sub-classes and if that is done the Board shall fix the percentages or proportions of the contributions to the accident fund which are to be payable by the employers in each sub-class.

(3) Separate accounts shall be kept of the amounts collected and expended in respect of every class and sub-class, but for the purpose of paying compensation the accident fund shall, nevertheless, be deemed one and indivisible.

(4) Where a greater number of accidents has happened in any industry than in the opinion of the Board ought to have happened if proper precautions had been taken for the prevention of accidents in it, or where in the opinion of the Board the ways, works, machinery or appliances in any industry are defective, inadequate or insufficient the Board may add to the amount of any contribution to the accident fund for which an employer is liable in respect of such industry such a percentage thereof as the Board may deem just, and may assess and levy the same upon such employer, or the Board may exclude such industry from the class in which it is embraced, and if it is so excluded the employer shall be individually liable to pay the compensation to which any of his workmen or their dependants may thereafter become entitled.

(5) Any additional percentage levied and collected under the next preceding subsection shall be added to the accident fund or applied in reduction of the assessment upon the other employers in the class or sub-class to which the employer from whom it is collected belongs as the Board may determine.

73.—(1) The Board may in the exercise of the powers conferred by the next preceding section withdraw or exclude from a class industries in which not more than a stated number of workmen are usually employed and may afterwards add them to the class or classes from which they have been withdrawn, and any industry so withdrawn or excluded shall not thereafter be deemed to be included in Schedule 1 or Schedule 2.

(2) Where industries are withdrawn or excluded from a class under the authority of subsection 1, an employer in any of them may, nevertheless, elect to become a member of the class to which, but for the withdrawal or exclusion he would have belonged, and if he so elects he shall be a member of that class and as such liable to contribute to the accident fund, and his industry shall be deemed to be embraced in Schedule 1.

(3) Notice of the election shall be given to the Secretary of the Board and the election shall be deemed to have been made when the notice is received by him.

74. The powers conferred by the next preceding two sections may be exercised from time to time, and as often as in the opinion of the Board occasion may require.

75. A regulation or order made by the Board under the authority of clause (a) or clause (b) of subsection 1 of section 72, shall not have any force or effect unless approved by the Lieutenant-Governor in Council, and when so approved it shall be published in The Ontario Gazette and shall take effect on the expiration of one month from the first publication of it in The Ontario Gazette.

Statements to be Furnished by Employers.

76.—(1) Every employer shall on or before the day of next and yearly thereafter, on or before the day of , or on or before such date as shall be prescribed by the Board, prepare and transmit to the Board a statement in detail of the names and ages of all his employees and the amount of the wages earned by each of them during the year then last past verified by the statutory declaration of the employer or the manager of the business, or where the employer is a corporation by an officer of the corporation having a personal knowledge of the matters to which the declaration relates.

(2) Where the business of the employer embraces more than one branch of business or class of industry the Board may require separate statements to be made as to each branch or class of industry, and such statements shall be made, verified, and transmitted as provided by subsection 1.

(3) If any employer does not make and transmit to the Board the prescribed statement within the

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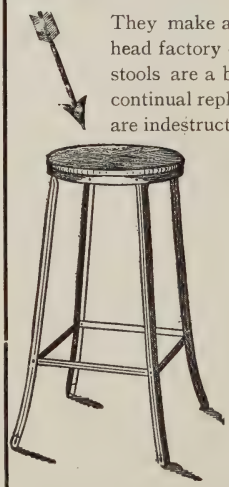
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prescribed time the Board may base any assessment or supplementary assessment thereafter made upon him on such sum as in its opinion is the probable amount of the pay-roll of the employer, and the employer shall be bound thereby, but if it is afterwards ascertained that such amount is less than the actual amount of the pay-roll the employer shall be liable to pay to the Board the difference between the amount for which he was assessed and the amount for which he would have been assessed on the basis of his pay-roll.

(4) If an employer does not comply with the provisions of subsection 1 or subsection 2, or if any statement made in pursuance of their provisions is not a true and accurate statement of any of the matters required to be set forth in it the employer for every such non-compliance and for every such statement shall incur a penalty not exceeding $500.

77.—(1) If a statement is found to be inaccurate the assessment shall be made on the true amount of the pay-roll as ascertained by such examination and enquiry, or if an assessment has been made against the employer on the basis of his pay-roll being as shown by the statement the employer shall pay to the Board the difference between the amount for which he was assessed and the amount for which he would have been assessed if the amount of the pay-roll had been truly stated, and by way of penalty a sum equal to such difference.

(2) The Board, if satisfied that the inaccuracy of the statement was not intentional and that the employer honestly desired to furnish an accurate statement, may relieve him from the payment of the penalty provided for by subsection 1 or any part of it.

78.—(1) The Board and any member of it, and any officer or person authorized by it for that purpose shall have the right to examine the books and accounts of the employer and to make such other enquiry as the Board may deem necessary for the purpose of ascertaining whether any statement furnished to the Board under the provisions of section 76 is an accurate statement of the matters which are required to be stated therein or of ascertaining the amount of the pay-roll of any employer, and for the purpose of any such examination and enquiry the Board and the person so appointed shall have all the powers which may be conferred on a commissioner appointed under The Public Inquiries Act.

(2) An employer and every other person who obstructs or hinders the making of the examination and inquiry mentioned in subsection 1, or refuses to permit it to be made shall incur a penalty not exceeding $500.

79.—(1) The Board and any member of it and any officer or person authorized by it for that purpose shall have the right at all reasonable hours to enter into the establishment of any employer who is liable to contribute to the accident fund and the premises connected with it and every part of them for the purpose of ascertaining whether the ways, works, machinery or appliances therein are safe, adequate and sufficient, and whether all proper precautions are taken for the prevention of accidents to the workmen employed in or about the establishment or premises and whether the safety appliances or safeguards prescribed by law are used and employed therein, or for any other purpose which the Board may deem necessary for the purpose of determining the proportion in which such employer should contribute to the accident fund.

(2) An employer and every other person who obstructs or hinders the making of any inspection made under the authority of subsection 1, or refuses to permit it to be made, shall incur a penalty not exceeding $500.

80.—(1) No officer of the Board and no person authorized to make an inquiry under this Part shall divulge or allow to be divulged, except in the performance of his duties or under the authority of the Board, any information obtained by him or which has come to his knowledge in making or in connection with an inspection or inquiry under this Part.

(2) Every person who contravenes any of the provisions of subsection 1 shall incur a penalty not exceeding $50.

81. The penalties imposed by or under the authority of this Part shall be recoverable under The Ontario Summary Convictions Act, and when collected shall be paid over to the Board and shall form part of the accident fund.

Assessments.

82. The Board shall on or before the day of , 19 , make a provisional assessment on the employers in each class of such sum as in the opinion of the Board will be sufficient to meet the claims for compensation which will be payable by that class during the then calendar year, and to provide a reserve fund of such amount as the Board may deem necessary to pay the compensation payable in future years in respect of claims in that class for accidents happening in that year, and also to meet the expenses of the Board in the administration of this Part for the year.

83. The sums to be so assessed may be either a percentage of the pay-rolls of the employers or a specific sum as the Board may determine.

84. The Board shall in every year thereafter assess and levy upon the employers in each of the classes a sum sufficient to pay the compensation which was paid in the next preceding calendar year in respect of injuries to workmen in industries within the class and to provide a reserve fund of

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such amount as the Board may deem necessary to pay the compensation payable in subsequent years in respect of claims in that class which arose during such next preceding year and also to pay the expenses of the Board in the administration of this Part for that year and such assessments may be based upon the pay-rolls of the employers.

85.—(1) The Board shall determine and fix the proportion or part of the sum for which a class is so assessed under the provisions of either of the next preceding two sections which is to be paid by the employers within the class or within any sub-class, and every employer shall pay to the Board the sum payable by him within 15 days after notice of the assessment and of the amount so payable has been given to him.

(2) The notice may be sent by regist red post to the employer and shall be deemed to have been given to him on the day on which the notice was posted.

86. If the amount intended to be provided for by the assessment in any year is by reason of the failure of an employer to pay his proportion of it or from any other cause insufficient for the purpose for which it was made, the Board may make supplementary assessments to make up the deficiency and section 85 shall apply to such assessments.

87. Where the payments made by the employers in any class are insufficient to meet the amount of any assessment upon the employers embraced in it the deficiency shall be made up by supplementary assessments upon the employers in all the classes and the provisions of section 85 shall apply to such assessments.

88.—(1) If and so far as any deficiency mentioned in the next preceding two sections is afterwards made good wholly or partly by the defaulting employer the amount which shall have been made good shall be apportioned between the other employers in the proportions in which the deficiency was made up by them by the payment of supplementary assesments upon them and shall be credited to them in making the next assessment.

(2) If for any reason an employer liable to assessment is not assessed in any year he shall nevertheless be liable to pay to the Board the amount for which he should have been assessed, and payment of that amount may be enforced in the same manner as the payment of an assessment may be enforced.

(3) Any sum collected from an employer under subsection 2 shall be taken into account by the Board in making an assessment in a subsequent year on the employers in the class or sub-class to which such employer belonged.

89. Notwithstanding that the deficiency arising from a default in the payment of the whole or part of any assessment has been made up by a special assessment, a defaulting employer shall continue liable to pay to the Board the amount of every assessment made upon him or so much of it as remains unpaid.

90. Whenever the Lieutenant-Governor in Council is of opinion that the condition of the accident fund is such that with the reserves it is not sufficient to meet all the payments to be made in respect of compensation as they become payable and so as not unduly or unfairly to burden the employers in any class in future years with payments which are to be made in those years in respect of accidents which have happened in previous years, he may require the Board to make a supplementary assessment of such sum as in his opinion is necessary to be added to the fund, and when such a requirement is made the Board shall forthwith make such supplementary assessment and it shall be made in like manner as is hereinbefore provided as to other special assessments and all the provisions of this Part as to special assessments shall apply to it.

91. In order to maintain the accident fund as provided by section 70 the Board may from time to time and as often as may be deemed necessary include in any sum to be assessed upon the employers and may collect from them such sums as may be deemed necessary for that purpose and the sums so collected shall form a reserve fund and shall be invested in securities in which a trustee may by law invest trust moneys.

92. If an assessment or a special assessment is not paid at the time when it becomes payable, the defaulting employer shall be liable to pay and shall pay as a penalty for his default such a percentage upon the amount unpaid as may be prescribed by the Regulations or may be determined by the Board.

93. Where default is made in the payment of any assessment, or special assessment, or any part of it the Board may issue its certificate stating that the assessment was made, the amount remaining unpaid on account of it and the person by whom it was payable and such certificate or a copy of it certified by the Secretary to be a true copy may be filed with the clerk of any county or district court, and when so filed shall become an order of that court and may be enforced as a judgment of the court against such person for the amount mentioned in the certificate.

94.—(1) If an assessment or a special assessment or any part of it remains unpaid for 30 days after it has become payable, the Board, in lieu of or in addition to proceeding as provided by the next preceding section, may issue its certificate stating the name and residence of the defaulting employer, the amount unpaid on the assessment, the establishment in respect of which it is payable, and upon the delivery of the certificate to the clerk of the muni-

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cipality in which the establishment is situate he shall cause the amount so remaining unpaid as stated in the certificate to be entered upon the collector's roll as if it were taxes due by the defaulting employer in respect of such establishment, and it shall be collected in like manner as taxes are levied and collected and the amount when collected shall be paid over by the collector to the Board.

(2) The collector shall be entitled to add five per cent. thereof to the amount to be collected and to retain such percentage for his services in making the collection.

Returns of Accidents.

95.—(1) Every employer shall within three days after the happening of an acident to a workman in his employment by which the workman is disabled from earning full wages notify the Board by registered post of the:—

(a) happening of the accident and nature of it;

(b) time of its occurrence;

(c) name and address of the workman;

(d) place where the accident happened;

(e) name and address of the physician or surgeon, if any, by whom the workman was or is attended for the injury.

(2) For every contravention of subsection 1 the employer shall incur a penalty not exceeding $50.

Industrial Diseases.

96.—(1) Where a workman suffers from an industrial disease and is thereby disabled from earning full wages at the work at which he was employed or his death is caused by an industrial disease and the disease is due to the nature of any employment in which he was engaged at any time within twelve months previous to the date of his disablement, whether under one or more employments, the workman or his dependants shall be entitled to compensation as if the diseases were a personal injury by accident and the disablement were the happening of the accident, subject to the modifications hereinafter mentioned, unless at the time of entering into the employment he had wilfully and falsely represented himself in writing as not having previously suffered from the disease.

(2) Where the compensation is payable by an employer individually it shall be payable by the employer who last employed the workman during such twelve months in the employment to the nature of which the disease was due.

(3) The workman or his dependants, if so required, shall furnish the employer mentioned in the next preceding subsection with such information as to the names and addresses of all the other employers by whom he was employed in the employment to the nature of which the disease was due during such twelve months as such workman or his dependants may possess, and if such information is not furnished or is not sufficient to enable that employer to take the proceedings mentioned in subsection 4, that employer, upon proving that the disease was not contracted while the workman was in his employment shall not be liable to pay compensation.

(4) If that employer alleges that the disease was in fact contracted while the workman was in the employment of some other employer he may bring such employer before the Board and if the allegation is proved that other employer shall be the employer by whom the compensation shall be paid.

(5) If the disease is of such a nature as to be contracted by a gradual process any other employers who during such twelve months employed the workman in the employment to the nature of which the disease was due shall be liable to make to the employer by whom the compensation is payable such contributions as the Board may determine to be just.

(6) The amount of the compensation shall be fixed with reference to the earnings of the workman under the employer by whom the compensation is payable and the notice provided for by section 20 shall be given to the employer who last employed the workman during such twelve months in the employment to the nature of which the disease was due, and the notice may be given notwithstanding that the workman has voluntarily left the employment.

(7) If the workman at or immediately before the date of the disablement was employed in any process mentioned in the second column of Schedule 3 and the disease contracted is the disease in the first column of the schedule set opposite to the description of the process, the disease shall be deemed to have been due to the nature of that employment unless the contrary is proved.

(8) Nothing in this section shall affect the right of a workman to compensation in respect of a disease to which this section does not apply if the disease is the result of an injury in respect of which he is entitled to compensation under this Part.

Formation of Associations.

97.—(1) The employers in any of the classes for the time being included in Schedule 1 may form themselves into an association for accident prevention and may make rules for that purpose.

(2) If the Board is of opinion that an association so formed sufficiently represents the employers in the industries included in the class, the Board may approve such rules, and when approved by the Board and by the Lieutenant-Governor in Council they shall be binding on all the employers in industries included in that class.

(3) Where an association under the authority of its rules appoints an inspector or an expert for the purpose of accident prevention, the Board may pay the whole or any part of the salary or remuneration

of such inspector or expert out of the accident fund or out of that part of it which is at the credit of any one or more of the classes as the Board may deem just.

98. This Part shall apply only to the industries mentioned in Schedules 1 and 2 and to such industries as may be added to Schedule 1 under the authority of this Part.

PART II.

99. Sections 100 to 102 shall until the day of 19 , apply to every industry and to every workman employed in it, and after that day shall apply only to the industries to which Part I. does not apply and to the workmen employed in such industries.

100. Where personal injury is caused to a workman by reason of any defect in the condition or arrangement of the ways, works, machinery, plant, buildings or premises connected with, intended for or used in the business of his employer, or by reason of the negligence of his employer or of any person in the service of his employer, the workman, or if the injury results in death the legal personal representatives of the workman and any person entitled in case of death shall have an action against the employer, and if the action is brought by the workman he shall be entitled to recover from the employer the damages sustained by the workman by or in consequence of the injury, and if the action is brought by the legal personal representatives of the workman or by or on behalf of persons entitled to damages under The Fatal Accidents Act, they shall be entitled to recover such damages as they are entitled to under that Act.

101. A workman shall hereafter be deemed not to have undertaken the risks incidental to his employment or those due to the negligence of his fellow workmen and contributory negligence on the part of a workman shall not hereafter be a bar to recovery by him or by any person entitled to damages under The Fatal Accidents Act in an action for the recovery of damages for an injury sustained by or causing the death of the workman while in the service of his employer for which the employer would otherwise have been liable.

102. Contributory negligence on the part of the workman shall nevertheless be taken into account in assessing the damages in any such action.

PART III.

Repeal.

The Workmen's Compensation for Injuries Act, R.S.O. 1897, c. 160, is hereby repealed.



An Act to Amend the Mining Act of Ontario in Respect to the Hours of Underground Employment.

His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Mining Act of Ontario is amended by inserting therein the following section:—

159.—(1) No workman shall remain or be allowed to remain underground in any mine for more than eight hours in any consecutive twenty-four hours, which eight hours, where the employer obtains from the Inspector a certificate that the means and methods in use at the mine of getting to and from the place of work in the mine are proper and satisfactory, shall be reckoned from the time of arriving at such place of work until the time of leaving such place, otherwise such eight hours shall be reckoned from the time of leaving the surface until the time of returning to the surface, or in such other way as the Inspector may direct; provided, however, that

(a) Time taken for lunch, not exceeding one half hour, need not be reckoned as part of such eight hours;

(b) A Saturday shift may work longer hours for the purpose of avoiding work on Sunday or changing shift at the end of the week, or giving any of the men a part holiday.

(c) The said limit of time shall not apply to shift bosses, pump men, or persons engaged solely in surveying or measuring, nor shall it apply in cases of emergency where life or property is in imminent danger, or in any case of repair work, or to any mine where the number of men working in a shift does not exceed six

(2) In this section

"Workman" means any person employed underground in a mine who is not the owner or agent or an official of the mine.

"Shift" means any body of workmen whose hours for beginning and terminating work in the mine are the same or approximately the same.

(3) Where any question or dispute arises as to the meaning or application of paragraph (c) of subsection 1, or as to the meaning of "workman," "shift," or "underground," the certificate of the Inspector shall be conclusive.

(4) For greater certainty it is hereby declared that sections 174, 175, 179, 180 and 181 of this Act shall apply to contraventions of this section; provided, however, that a workman shall not be guilty of an offence for failure to return to the surface within the time limited by this section if he proves that without fault on his part he was prevented from returning owing to means not being available for the purpose.

(5) In the event of great emergency or grave economic disturbance, the Lieutenant-Governor in Council may suspend the operation of this section to such an extent and for such period as he deems fit; or upon the Inspector certifying as regards any iron mine that the precautions, safeguards and arrangements for protecting the health, safety and comfort of the workmen employed therein are satisfactory and in compliance with this Act, the Lieutenant-Governor in Council may, upon the recommendation of the Minister, in like manner suspend the operation of this section in so far as such mine is concerned.

(6) This section shall come into effect on the first day of January, 1914.

Index to Advertisers

	Page
American Watch Case Co. of Toronto, Limited	68
Atkins, E. C., & Co.	2
Babcock & Wilcox, Limited	10
Bank of Hamilton	1
Bank of Ottawa	6
Beatty, N. & Sons, Limited	18
Boiler Inspection & Insurance Co. of Canada, The	24
Booth, J. R.	34
Canada Malleable & Steel Range Co., of Canada, Limited	46
Canada Paper Co., Limited	56
Canada Steel Goods Co.	42
Canada Wire & Iron Goods Co.	70
Canadian Bridge Co., Limited, The	22
Canadian Cottons, Limited	34
Canadian Crocker-Wheeler Co., Limited	74
Canadian Kodak Co., Limited	60
Canadian Pyrofugont Flooring Co., Limited	40
Canadian Steel Foundries, Limited	46
Canadian Sunbeam Lamp Co.	18
Canadian Tungsten Lamp Co., Limited	58
Chipman, Holton Knitting Co., Limited, The	32
Clare Bros. & Co., Limited	62
Cockshutt Plow Co., Limited	64
Coppley, Noyes & Randall, Limited	26
Crown Electrical Manufacturing Co., Limited	32
Davies, The Wm., Co., Limited	42
Dennis Wire & Iron Works Co., Limited	68
Dominion Canners, Limited	38
Dominion Cartridge Co., Limited	70
Dominion Textile Co., Limited	12
Don Valley Brick Co.	30
Foy, George J., Limited	4
Gage, J. Walter	66
Garlock Packing Company, The	50
Getty & Scott, Limited	62
Glassco, G. F., & Co.	4
Greening, The B., Wire Co., Limited	8
Guelph Brewery	20
Gunn's, Limited	48
Hamilton Brewing Association, Limited, The	54
Hamilton Bridge Works Co., Limited	34
Ingersoll Packing Co., Limited	66
International Harvester Company of Canada, Limited	52

International Varnish Co., Limited 1
Independent Order of Foresters 58
Karn-Morris Piano & Organ Co., Limited 14
Kemp, Hon. A. E., M.P. 44
Kuntz Brewery, Limited, The 36
Labatt, John 42
Library Bureau of Canada, Limited 52
London & Lancashire Guarantee & Accident Co. 32
Lyall, P., & Sons, Construction Co., Limited 10
Macdonell, A. C., M.P. 44
Martin-Orme Piano Co., Limited 48
Matthews-Lang, Limited 6
McCormick Mfg. Co., Limited, The 2
Metropolitan Bank, The 48
Morrow, The John, Screw & Nut Co. 38
Norcross Bros. Co., The 22
Oberholtzer, The G. V., Co., Limited 20
Ontario May-Oatway Fire Alarms, Limited 74
Ontario Jockey Club 72
Ottawa Car Co., Limited 48
Packard Electric Co., Limited, The 50
Pedlar People Limited, The 60
Penman's Limited 20
Perrin, D. D., & Co., Limited 24
Prince George Hotel 72
Quaker Oats Company, The 28
Richards Pure Soap Co., Limited, The 76
Royal Bank of Canada 64
Royal Music Co. 68
Salvation Army, The 48
Seagram, Joseph E., & Sons, Limited 36
Spotton Business College 56
Standard Paint & Varnish Co., Limited 46
Standard Sanitary Mfg. Co., Limited 70
Steel Company of Canada, Limited, The 24
Stewart, The James, Mfg. Co., Limited 16
Supreme Heating Company, The 66
Swift Canadian Co., Limited 28
Temiskaming & Northern Ontario Railway 26
Tuckett's, Limited 54
Walker, Hiram, & Sons, Limited 38
Waterous, The, Engine Works Co., Limited 16
Williams, Greene & Rome Co., Limited, The 14
Woods, Walter, & Co. 20